Government of
Saskatchewan

Provincial Child Abuse Protocol 2006

Prepared by:

The Interdepartmental Child Abuse Committee

Saskatchewan Community Resources
Saskatchewan Corrections and Public Safety
Saskatchewan First Nations and Métis Relations
Saskatchewan Health
Saskatchewan Justice
Saskatchewan Learning

Provincial Child Abuse Protocol 2006

The Provincial Child Abuse Protocol reflects a strong commitment by the Government of Saskatchewan and various police services to improve the well-being of children across the province.

The protection of children from physical and sexual abuse is a responsibility that all individuals, groups and organizations in Saskatchewan must share. This Protocol reinforces this responsibility by describing principles to guide the response to child abuse and by setting out roles and responsibilities of communities, professionals, individuals and organizations involved.

The Protocol promotes a coordinated and integrated approach to child abuse investigations.

We are pleased to endorse Saskatchewan's Provincial Child Abuse Protocol.

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Endorsement by Saskatchewan Police Services

The Provincial Child Abuse Protocol is endorsed by the following:

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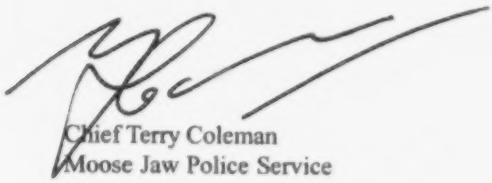

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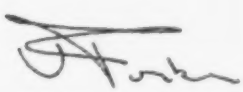

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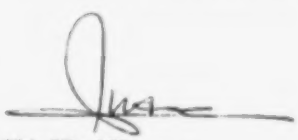

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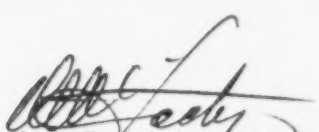

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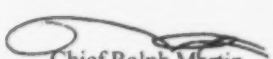

Chief Ralph Martin
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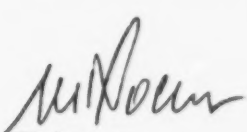

Chairperson
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Reporting Child Abuse/Neglect

Duty to Report Suspected Child Abuse or Neglect:

Every person who has reasonable grounds to believe that a child may be in need of protection has a legal obligation to report the information to a child protection worker or peace officer (police).

How to Report:

Report to a local Department of Community Resources, First Nations Child and Family Services Agency, Child Protection Worker, or Police Officer. After business hours, contact the local Mobile Crisis line, emergency duty worker or police/RCMP.

What to Report:

Your report should include:

- your name, telephone number and relationship to the child (this information remains confidential);
- any immediate concerns about the child's safety;
- the location of the child;
- the child's name;
- the child's age;
- information on the situation; and,
- any other relevant information.

Child Protection Phone Number for Your Community

Mobile Crisis Phone Number

Police/RCMP Phone Number

Indicators of Child Abuse/Neglect – There are a variety of physical and behavioural indicators suggesting possible abuse and neglect. While one indicator may not provide sufficient proof, a pattern of indicators increases the likelihood of child abuse or neglect.

	Physical Indicators	Behavioural Indicators
Physical Abuse	• injuries (bruises, cuts, burns, bite marks, fractures, etc.) that are not consistent with explanation offered (e.g., extensive bruising to one area) • the presence of several injuries that are in various stages of healing • the presence of various injuries over a period of time • facial injuries in infants and preschool children (e.g., cuts, bruises, sores, etc.) injuries not consistent with the child's age and development	• run away attempts and fear of going home • stilted conversation, vacant stares, or frozen watchfulness, no attempt to seek comfort when hurt • describes self as bad and deserving to be punished • cannot recall how injuries occurred, or offers inconsistent explanation • wary of adults or reluctant to go home, absences from school • may flinch if touched unexpectedly • infants may display a vacant stare or frozen watchfulness • extremely aggressive or extremely withdrawn • displays extremely indiscriminate affection-seeking behaviour • extremely compliant or eager to please, sad, cries frequently
Emotional Abuse	• bedwetting and/or diarrhea that is non-medical in origin • frequent psychosomatic complaints: headaches, nausea, abdominal pains • child fails to thrive	• mental or emotional developmental lags, behaviour inappropriate for age • fear of failure, overly high standards, reluctance to play • unusual fear of consequences of actions, often leading to lying • extreme withdrawal or aggressiveness, mood swings • overly compliant, too well-mannered; too neat and clean • extreme attention-seeking behaviours • displays extreme inhibition in play • poor peer relationships • severe depression, often suicidal, or constantly apologizes
Sexual Abuse	• sores in the mouth • eating or sleep disturbances • recurring physical ailments • unusual or excessive itching in the genital or anal area • torn, stained or bloody underwear (observed if the child requires bathroom assistance) • pregnancy or venereal disease • injuries to the vaginal or anal areas (e.g. bruising, swelling or infection)	• reluctance to participate in physical activities or to undress or take a shower after sports • fear of normal physical contact, especially when initiated by an adult • self-mutilation, depression, suicide attempts, anxiety, withdrawal, phobic behaviour • dramatic behavioural changes, sudden non-participation in activities • poor peer relationships, self-image, overall self-care • overly compliant or conversely overly aggressive or destructive behaviour • age inappropriate sexual play with toys, self, others (e.g. replication of explicit sexual acts) • age inappropriate, sexually explicit drawings and/or descriptions • bizarre, sophisticated or unusual sexual knowledge • promiscuity, prostitution, seductive behaviours directed towards members of the opposite sex • fear of home, excessive fear of men or women
Neglect	• abandonment • unattended medical and dental needs • lack of supervision • consistent hunger, inappropriate dress, poor hygiene • persistent conditions (e.g., scabies, head lice, diaper rash or other skin disorders) • developmental delays (e.g., language, weight)	• demands for consistent attention • lack of parental participation and interest • delinquency or abuse of alcohol or drugs • regularly displays fatigue or listlessness, falls asleep in class • steals food, begs from classmates • reports that no caretaker is at home • frequently absent or tardy • self-destructive • school dropouts (adolescents)

Rarely is any one indicator conclusive proof that a child has been harmed. In most instances, neglect or abuse is indicated when children present a cluster of behavioural and physical indicators.

Provincial Child Abuse Protocol 2006

Introduction

The Provincial Child Abuse Protocol provides guidelines for the reporting and investigation of child abuse and neglect. The Protocol is intended to provide assistance to a network of professionals including child protection workers, law enforcement officials, school personnel, doctors and other health care providers. The overriding goal of the Protocol is to ensure the safety and well-being of Saskatchewan children.

The Government of Saskatchewan is committed to working cooperatively with professionals and community organizations to enhance child abuse reporting and investigation. This means working together to prevent child abuse and neglect whenever possible and, when it happens, reporting it to the proper authorities.

The Child and Family Services Act provides that "every person who has reasonable grounds to believe that a child is in need of protection shall report the information to a child protection worker (Department of Community Resources or First Nations Child and Family Services Agency child protection worker) or peace officer (police/RCMP officer)".

After a report is made, child protection staff and police/RCMP officers are legally responsible for the investigation of child abuse cases. Child protection staff investigate to determine if there are reasonable grounds to find the child in need of protection. The police/RCMP investigate to determine if a criminal offence has been committed and if there are reasonable grounds to lay charges under *The Criminal Code of Canada.* Other professionals play an important role in assisting with the investigation, supporting the child during and after the investigation, and providing follow-up services to the child and family.

Purpose

The Provincial Child Abuse Protocol provides a framework for a network of local service providers to work together to:

- recognize child abuse;
- ensure children are protected and supported, and their families are assisted throughout the investigation process;
- develop a coordinated and collaborative approach for reporting and investigating child abuse;
- create a guide for developing and implementing local reporting and investigating procedures; and,
- ensure groups or individuals working on behalf of children are aware of their responsibilities.

Guiding Principles

The Provincial Child Abuse Protocol is based on the following guiding principles:

- Suspected child abuse or child neglect must be treated seriously and must be reported to a child protection worker under *The Child and Family Services Act* or to the police.
- Professionals and organizations working with children must develop protocols to ensure prompt reporting of suspected cases of child abuse or child neglect.
- When a child discloses abuse, particular care will be taken to ensure that the child has the support he or she needs upon making a disclosure.
- A child's disclosure of abuse shall be treated as a serious complaint and investigated with the same concern as an adult's complaint.
- An immediate response to allegations of child abuse will be provided.
- Complaints of child abuse require a coordinated, team approach to investigation, assessment, and any necessary intervention, treatment and follow-up.
- Sharing information is essential to ensure good decisions are made about the protection, safety, and well-being of the child, and the protection of the public.
- Where there is an assessed need for treatment or support services for the child, the suspected abuser, or any family member, services should be provided.
- As physical or sexual abuse, severe neglect, and sexual exploitation of children are criminal acts, abusers must be held accountable for their actions, while treatment may assist in preventing further abuse.

Roles and Responsibilities

All Agencies and Community Members

In Saskatchewan, all members of the public have a duty to report situations where they believe a child is being abused or neglected to a child protection worker under *The Child and Family Services Act* or a police officer. A child protection worker under *The Child and Family Services Act* includes child protection staff employed by the Department of Community Resources or First Nations Child and Family Service Agencies.

The duty to report applies in spite of any claim of confidentiality or professional privilege other than solicitor/client privilege or Crown privilege. The Code of Professional Conduct; Chapter IV - "Confidential Information"; Guiding Principle #11 states:

> *"Disclosure of information necessary to prevent a crime will be justified if the lawyer has reasonable grounds for believing that a crime is likely to be committed and will be mandatory when the anticipated crime is one involving violence against the person."*

Failure to report is an offence under *The Child and Family Services Act*.

Professionals and community agencies will often provide assessment, treatment and support services to children and their families. They will be required to share information with other professionals and individuals involved in protecting and planning for the child.

Community Resources

The Child and Family Services Act establishes the mandate for Community Resources that includes:

- Receiving and investigating reports of children in need of protection from abuse or neglect;
- Assessment of a family's ability to protect the child;
- Provision of support services to children and families to maintain the family wherever it is safe for the child;
- Provision of out-of-home care where support services to the family cannot provide for the child's safety;
- Provision of services to children and youth sexually exploited through prostitution, pursuant to *The Emergency Protection of Victims of Child Sexual Abuse and Exploitation Act;* and,
- Sharing information with police.

Saskatchewan Justice

Saskatchewan Justice is responsible for the administration of justice in Saskatchewan, including:

- Prosecution services in criminal law matters, including the preparation of witnesses for trials;
- General legal advice to the Province of Saskatchewan;
- Supervision of policing services;
- Administration of the provincial Victims Services Programs, to provide assistance and support to victims involved in the legal process; and,
- Court services to the public.

Corrections and Public Safety, Young Offender Programs Division

Corrections and Public Safety (CPS), Young Offender Programs Branch is responsible for custody and community-based young offender services in the province. The role of youth workers includes case planning, preparation of court ordered reports, providing necessary structure and support so a young person is able to successfully complete his or her sentence and reduce offending behavior, and working with families and communities to support youth in conflict with the law. In instances where child abuse is suspected or has been found to exist, the Young Offender Programs Branch has a responsibility to:

- Report suspected cases of child abuse in accordance with *The Child and Family Services Act;*
- Cooperate with police by providing information on the criminal abuse of children;
- Provide assistance and support to investigations of child abuse;
- Monitor the progress of the youth, and share information regarding the youth as required throughout the investigation, assessment and treatment of the youth and his/her family; and,
- Provide emotional support to the youth.

Police

Municipal police services and the RCMP are primarily responsible for public safety and have a responsibility to:

- Receive reports of a child in need of protection and potential offences against a child;
- Investigate alleged criminal acts;
- Lay criminal charges;
- Provide an emergency response to children in need of protection; and,
- Provide crime prevention and victim services.

Saskatchewan Health and Health Professionals

The role of health professionals, including medical professionals, medical social workers, mental health professionals and public health nurses is to:

- Report suspected cases of child abuse in accordance with *The Child and Family Services Act;*
- Cooperate with police by providing information on the criminal abuse of children;
- Provide assistance and support to child abuse investigations;
- Provide physical and mental health assessments of children who have been or are suspected of having been abused;
- Provide support to the abused child and family during and after the child abuse investigation;
- Provide physical and mental health treatment and consultation to alleged victims and perpetrators of child abuse and their families; and,
- Monitor progress of child abuse victims and perpetrators.

Schools and Education Professionals

The role of school personnel, including teachers, administrators, counselors, social workers, supervisory personnel, parent volunteers, paraprofessionals and support staff is to:

- Report suspected cases of child abuse in accordance with *The Child and Family Services Act;*
- Cooperate with police by providing information on the criminal abuse of children;
- Cooperate with other professionals involved in the investigation of child abuse;
- Monitor the progress of the child, and share information regarding the child as required throughout the investigation, assessment, and treatment of the child and his or her family; and,
- Provide academic, social and emotional support to the child.

First Nations Child and Family Services Agencies

First Nations Bands and Tribal Councils have developed First Nations Child and Family Services (FNCFS) Agencies to provide child welfare services to families who are living on reserve. These Agencies have the same authority to administer the provisions of *The Child and Family Services Act* as Community Resources and are responsible for the following services for children, youth and families living on reserve:

- Receiving and investigating reports of children in need of protection from abuse or neglect;
- Assessment of a family's ability to protect the child;
- Provision of support services to children and families to maintain the family wherever it is safe for the child;
- Provision of out-of-home care where support services to the family cannot provide for the child's safety;
- Provision of services to children and youth sexually exploited through prostitution, pursuant to *The Emergency Protection of Victims of Child Sexual Abuse and Exploitation Act;* and,
- Sharing information with police.

Supports for First Nation and Métis Children

First Nation Child and Family Service Agencies, Bands and Métis Organizations offer another means of providing support to Aboriginal children and families. They can provide support in terms of language, culture, Elders, healing services and family workers. The investigating team should consider contacting the appropriate First Nation Child and Family Service Agency, Band office or Métis organization (see pages 80-84) where a report of abuse or neglect involves a First Nation or Métis child to ensure that the child has access to all possible supports and services.

Métis Nation – Saskatchewan

In 1998, the Province of Saskatchewan and the Métis Family and Community Justice Services (MFCJS), an affiliate of the Métis Nation – Saskatchewan, signed a Memorandum of Understanding (MOU) to establish a process for communication between the MFCJS and the Province on social programs. The MOU will help to chart future relationships between the province and the MFCJS and guide discussions about the delivery of services and programs.

Métis organizations are currently delivering services through Friendship Centres, Métis Addiction Councils, and Aboriginal Family Violence Programs (see pages 83-84 for contact information). Examples of other services include, parent aide/family support workers, child nutrition, child development, respite services, justice and general family counselling.

Local Child Abuse Protocol Committees

In order to promote consistency and coordination of child abuse investigations, the Departments of Community Resources, Justice, Corrections and Public Safety, Health, and Learning, the police, regional health authorities, school divisions, and other community agencies may designate personnel as members of local Child Abuse Protocol Committees. First Nations Agencies, local Tribal Councils, Bands or local Métis Family and Community Justice Committees should be invited to participate as members of local committees.

The role of local Child Abuse Committees is to:

- Develop detailed Local Function Statements as described below;
- Meet at least quarterly to discuss problems, issues and opportunities related to coordination and investigation of child abuse/neglect, and to review the management of problem or difficult child abuse cases; and,
- Ensure that all staff involved in child protection matters are fully informed about the Provincial Child Abuse Protocol.

Problem or difficult child abuse cases may be presented by any member to the local Committee for review. The purpose of this review is to examine the local systems that respond to child abuse cases, not to manage individual cases. The results of such a review could lead to changes to local child abuse procedures or the Provincial Protocol.

Any member of the Committee may request the assistance of, or make a referral to, another member of the Committee as appropriate.

Local Function Statements

Within the context of the Provincial Child Abuse Protocol, specific local procedures called Local Function Statements are developed by the local Child Abuse Protocol Committee in each region of the province for the investigation, treatment and follow-up of child abuse. In particular, the Local Function Statements will identify the persons or agency to be contacted and the steps to be taken to investigate reports of abuse and neglect. The Local Function Statements should consider all of the following areas when developing local responses:

(a) Reporting and investigating child abuse;

(b) Involvement of schools and agencies that work with children;

(c) Guidelines for conducting interviews with children;

(d) Interviewing children and youth with disabilities and conditions affecting communication; and,

(e) Videorecording of children's evidence; and, information sharing.

Local Function Statements are to be approved by the person in charge of the regional or head office of the participating departments and agencies. Once they are approved, ongoing evaluations of these procedures should commence.

Sharing Information

While it is recognized that children, youth and families have the right to privacy, there are instances when information must be shared to ensure their well-being. The law requires that child abuse situations be reported to Community Resources, First Nations Child and Family Services Agencies or a police officer. In cases of suspected child abuse and neglect, the child's or youth's right to safety is primary.

Sharing of information among the professionals involved is essential to maximize satisfactory outcomes during an investigation, assessment, treatment and follow-up of a child abuse case.

Information is shared within an ethic of trust and respect and an understanding that each professional will act appropriately with the confidential information.

Feedback to the professional making the child abuse report on the progress and outcomes of the investigation is critical. In many cases, this professional is responsible for monitoring and supporting the child during the investigation and during treatment (e.g., schools should be advised promptly if a child has been apprehended and of the plan for the child).

Guidelines and ocedures for sharing information at the various stages of the investigation, assessment, treatment, and follow-up must be developed by the Local Child Abuse Protocol Committees and should be reflected in the Local Function Statements.

Also see: Reporting and Investigations. Sharing Confidential Information, Section A, page 18, and Reference: Information Sharing Overview, Section F page 85.

Note: In May 1997, Saskatchewan Human Services Integration Forum published: *Sharing Information to Improve Services for Children, Youth and Families: A Guide to the Legislation.* The handbook was developed to encourage and support human service providers in the appropriate sharing of information on a "need to know" basis. The guide contains principles for sharing information, information on legislation and practice to enable information sharing on a "need to know" basis, and rules about disclosure of information. The handbook has been approved by government and meets requirements under *The Freedom of Information and Protection of Privacy Act (FOIP)* and *The Health Information Protection Act (HIPA).*

The Sharing Information Handbook is available at www.Publications.gov.sk.ca.

Provincial Child Abuse Protocol 2006
Section A - Reporting and Investigations

Introduction

Police and the Department of Community Resources (DCR) or First Nations Child and Family Services (FNCFS) Agencies shall cooperate to ensure that immediate contact occurs between the police and Child Protection Services on all reports of suspected child physical or sexual abuse, including sexual exploitation or involvement in prostitution. Both the police and child protection staff are directed to maximize the sharing of information throughout the investigation. Where child physical or sexual abuse, or severe neglect is suspected, DCR and FNCFS Agencies are required to ensure that information is immediately relayed to the police/RCMP.

While both DCR or FNCFS and the police may investigate the same report of child abuse or neglect, their mandates and goals are different. DCR/FNCFS will investigate to determine if there are reasonable grounds to find a child in need of protection from his or her parent or caregiver. The police/RCMP investigate to determine if a criminal offence has been committed and if there are reasonable grounds to lay criminal charges. In some situations, DCR/FNCFS may not investigate if the alleged perpetrator is not a parent or caregiver. In those situations, the police may investigate independently to determine if a criminal offense has occurred. In other situations, the police/RCMP may find that there is not sufficient evidence to lay a criminal charge but DCR/FNCFS may still investigate if there are reasonable grounds to believe a child may be in need of protection.

The police/RCMP and DCR/FNCFS will assess the need to stay involved with the case and make every reasonable effort to coordinate investigation responsibilities. It is preferable to consult more rather than less with each other to ensure the safety and security of children and the public.

The responsibility to assess whether the facts raise criminal law or public protection concerns is a matter for police or the Crown to determine. Similarly, the responsibility to assess whether the facts raise a child protection concern is a matter for DCR or FNCFS to determine.

Reporting

The suspicion of child abuse or child neglect should be treated seriously and should be reported to a child protection worker under *The Child and Family Services Act* or to the police. Professionals and organizations working with children should have protocols to ensure prompt reporting of suspected cases of child abuse.

Duty to Report

Any person having reason to believe that a child (under the age of 16) is in need of protection must report the matter to a child protection worker or the police.

The person making the report of child abuse is not required to determine if the abuse/neglect is caused by the child's parent or by another person. However, the person making the report will be required to give all available information to the child protection worker or to the police to assist with any investigation. The child protection worker and the police are responsible to determine who may have caused the alleged abuse.

The person making a report of suspected child abuse may request that his or her name be kept confidential. However, if the child abuse investigation results in a child protection hearing or a criminal proceeding, the name of the person making the report can no longer be protected. In many cases, particularly where the report is received from a professional working with the child and family, keeping the professional's identity confidential is difficult and may not promote effective work with the family. If the report is made maliciously or without reasonable grounds, legal action may be taken against the person who makes the report.

All child abuse investigations under *The Emergency Protection of Victims of Child Sexual Abuse and Exploitation Act* will follow the guidelines set down by the Provincial Child Abuse Protocol. The provisions found in this Act apply to children and youth **under the age of 18**.

The Emergency Protection of Victims of Child Sexual Abuse and Exploitation Act makes it mandatory for every person who has reasonable grounds to believe that a child has been or is likely to be subjected to sexual abuse to report the information to a child protection worker or police officer.

Investigation

A disclosure of abuse by a child shall be treated as a serious complaint and investigated with the same concern as an adult's complaint. An immediate response to allegations of child abuse should be provided by child protection services.

Investigations of child physical and sexual abuse must be coordinated between the police and a child protection worker. While not every aspect of the investigation will require the direct, personal involvement of both agencies, the entire investigation must be completed in an integrated fashion with full information sharing and joint decision making as it pertains to the child protection investigation. This includes sharing exculpatory evidence, which is evidence that may not support the allegation of child abuse by a particular person.

Assessment of the Child's Safety

Whether the alleged offender is the child's parent or another family member, or someone other than a family member, the child protection worker and the police will work together to:

- Determine the safety of the child and whether the non-abusing parent is taking appropriate steps to protect the child;
- Determine whether the alleged offender has sufficient access to other children such that these children may be at risk of abuse, and what actions are necessary to protect these children;
- Determine whether the family is aware of community counselling, treatment and support services; and,
- Ensure that the appropriate referrals are made.

When making decisions concerning actions necessary to ensure the safety of a child, factors such as the likelihood of future abuse, the maintenance of family life and the family's ability to provide support to the child should be considered. Consideration will be given to whether the family can provide safe care to the child with the provision of family support services.

Whenever possible, the child should remain in the home. The assessment of the non-abusing parent's capacity to protect the child is critical in determining if the child should remain in the home. Child abuse cases should be carefully monitored to ensure that the child's safety is not further endangered by contact with the offender.

The Child Abuse Investigation Team

Complaints of child abuse require a coordinated, team approach to investigation, assessment, intervention, treatment and follow-up.

Sharing of information is necessary to make wise decisions to ensure the protection, safety and well-being of the child, and the protection of the public.

Responsibilities of the Child Protection Worker

The child protection worker has the primary responsibility to ensure the safety of children who are in need of protection.

When the child protection worker receives a report of child abuse or neglect, the investigation should be conducted in a timely fashion in accordance with the guidelines on immediate and non-immediate investigations. In cases of physical or sexual abuse, the child protection worker must notify the police/RCMP.

The child protection worker coordinates the child protection investigation with the police/RCMP investigation. Child protection workers are able to share information with members of the child abuse investigation team under Section 74 of *The Child and Family Services Act* in order to ensure the protection of children.

Whether or not proceedings are being taken under the *Criminal Code*, the child protection worker must make an independent determination with respect to the child's need for protection. If the child protection worker believes that the child remains in need of protection, action must be taken under *The Child and Family Services Act*. There must be no delay in proceeding with any necessary action to ensure the child's safety.

When there is ongoing child protection involvement with the family and a case plan has been developed, the child protection worker will provide the case management role.

Responsibilities of the Police Officer

Primary criminal investigation and public protection responsibility rests with the police. Agencies participating under the protocol will report cases without delay to the police to ensure evidence is protected, investigation procedures are not hampered and the victim and the public are protected.

When the police receive a report of suspected child abuse, they should complete the investigation in a timely fashion.

Upon completion of an investigation, the police may forward a report of their investigation to the Crown Prosecutor. This process is not intended to disrupt the usual process of determining whether charges should be laid.

The investigating police officer should consider what information may be shared with the child protection worker.

Responsibilities of the Crown Prosecutor

The Crown Prosecutor is responsible for reviewing police investigation files when requested to do so by the police. The prosecutor may also advise when criminal charges should be laid, what the appropriate charges should be, and whether any further investigation is advisable. The prosecutor will prepare witnesses for court appearances to ensure the best evidence available is presented to the court.

Responsibilities of the Medical or Health Professional

The medical or health professional who first suspects the possibility of child abuse as a diagnosis must report his or her suspicions to a child protection worker or to the police.

The medical or health professional evaluating an alleged case of child abuse is responsible to:

- Preserve the physical and emotional well-being of the child being examined;
- Assess, diagnose and treat any condition associated with abuse or neglect. This includes referrals for any subsequent medical care, counselling, treatment or support;
- Gather and preserve medical evidence; and,
- Provide sound medical evidence, documentation and expert opinion in the court proceedings.

Sharing Confidential Information

While it is understood that all of the information collected as part of a child abuse investigation is highly confidential, it is expected that confidential information concerning a child or an alleged offender will be shared among the members of the team and other involved individuals (e.g., police, child protection workers, teachers, health professionals and parents) for the purpose of protecting and planning for the child.

In particular, it is essential that police and child protection workers share confidential information fully to ensure the investigation proceeds in an expedient manner. Confidential information includes witness statements, reports, assessments, observations or any other information that relates to an investigation of child abuse, including exculpatory information. Exculpatory information is information that does not support the report of child abuse.

Section 74 of *The Child and Family Services Act* allows child protection staff to share confidential information as required to carry out the intent of the Act. This means completing a thorough investigation and intervening as necessary to provide services to children who are in need of protection.

It is also understood that the confidential information will not be released outside the members of the team, except as required for proceedings in court.

Provincial Child Abuse Protocol 2006
Section B: Involvement of Schools

Introduction

Society considers the neglect and abuse of children to be unacceptable. Neglect and abuse in the family is often physically and always emotionally devastating, not only for the child, but also for the entire family.

Schools play a significant role in the lives of children and their families. Teachers, principals and school support personnel can play an essential role in protecting children from abuse and neglect and ensuring their safety and well-being.

Reporting Suspected Cases of Child Abuse and Neglect

Mandate

If school personnel have reasonable grounds to believe that a child may be abused or neglected, *The Child and Family Services Act* requires them to report their concerns directly to a child protection worker or police officer. As part of the education system, school divisions should have procedures in place to assist school personnel with reporting.

The Child and Family Services Act deals with the protection of children from abuse and neglect by their parents/guardians. Parents/guardians include all persons who provide the day-to-day care and supervision of the child. Section 11 defines the circumstances in which a child is in need of protection and generally includes:

- Child physical abuse;
- Child sexual abuse, including involvement in prostitution and including conduct that may amount to an offence within the meaning of the *Criminal Code;*
- Emotional maltreatment of a child;
- Parental failure to provide essential medical treatment to a child, or failure to remedy a mental, emotional or developmental condition of a child;
- Exposure of a child to domestic violence or severe domestic disharmony;
- Child neglect or abandonment; and,
- Children under 12 who have committed criminal offences and cannot be charged under the *Youth Criminal Justice Act* because of their age, but require services to prevent reoccurrence.

School personnel are not responsible to determine if a child is being abused or neglected before they report; it is their responsibility to report suspected cases of abuse or neglect. If it is not clear that reasonable grounds to believe a child is in need of protection exist, then consultation with other teachers and school personnel is acceptable. Informal consultation with child protection workers or police is encouraged and may occur without making a formal report.

The Education Act, 1995 provides that teachers and principals are to act as a "wise and judicious parent". School personnel are required to provide police and child protection workers with access to children who may be abused or neglected. The responsibilities of the teacher and principal are to:

- Ensure all staff are familiar with school division procedures with regard to reporting suspected cases of child abuse and neglect;
- Make reports of suspected child abuse or neglect;

- Facilitate contact with the child by child protection workers and police during an abuse investigation; and,
- Monitor the progress of the child as required throughout the investigation, assessment and treatment of the child and his or her family.

Procedures

Any person (e.g., teacher, principal or other school division employee) who suspects a case of child abuse or neglect must immediately report the case to a child protection worker or police officer. The school principal must be informed that a report has been made to a child protection worker or police officer.

The person reporting the suspected abuse or neglect shall maintain a written record of all his/her observations and discussions with, or relating to the child to aid both in reporting and recall. A teacher or principal may consult with school guidance counsellors, school social workers, school nurses or other involved persons, but should not contact the suspected abuser or his/her family. This consultation cannot cause a delay in making a report to a child protection worker or police that would further put the child at risk.

Interviews of Children by Child Protection Workers and Police

Whether a report originates from the school or from another source, it may be necessary for the child to be interviewed in the school setting without parental consent. In cases of suspected abuse, a child protection worker or police officer may jointly conduct the investigation, and would likely come to the school together to conduct the interview. The interview of a child without parental consent is done routinely in cases of physical or sexual abuse. It is critical to the child's safety that the child be interviewed before parents are notified, and receive protection from his or her parent, if that is required.

In cases of suspected neglect, a child protection worker may not be accompanied by a police officer. This is because neglect, unless it is very severe, is not a criminal offence. When an interview is requested by a child protection worker or police officer, direct access to the child in the school is to be allowed.

School staff shall not investigate the allegations and shall not contact the child's family, the alleged abuser or other individuals either to inform or further investigate the cause or circumstance of the suspected abuse. This is the role and responsibility of the child protection worker and the police.

The child protection worker and police will usually interview the child alone. This procedure must be observed because of the sensitive nature of some investigations and to ensure that individuals who may not be comfortable with the subject matter do not hinder the effort to provide protection services to the child. The child protection worker or police may request that a teacher, principal or someone from the school be present to support the child during the interview.

A staff member may ask to be present at the interview; however, by being present at the interview, there is a possibility that the staff member may be subpoenaed to give testimony at a child protection hearing or any criminal proceedings.

Procedures

A child protection worker or police officer wishing to interview a child at school shall direct the request to the principal. The child protection worker will provide written confirmation of the request as soon as possible.

The written confirmation shall confirm the meeting arrangements, acknowledge the assistance of the principal, and indicate the general outcome of the investigation with respect to the child in the school setting.

The principal shall make the necessary arrangements for such confidential interviews and shall retain written confirmation in school files.

Receiving Disclosures of Abuse

Whether a child reports physical abuse, emotional abuse or sexual abuse, all disclosures must be treated in a similar fashion. Without conducting the investigation personally, it is impossible to know whether or not the case will go to court. Therefore, for teachers and school personnel to be most helpful they should:

- Support the child;
- Acknowledge the child's right to have his or her concern investigated;
- Listen openly and calmly;
- Reassure the child;
- Record what the child has reported and their observations; and,
- Report the suspected case of abuse immediately.

Treatment and Follow-up

Integrated services facilitate a coordinated effort among education, Health, Community Resources and Justice professionals and other service providers to address student needs that go beyond the professional mandate of educators. Follow-up services to child victims of abuse and neglect require that these service providers work together in the development and delivery of a coordinated case plan for the child and family.

Mutual sharing of confidential information among the professionals and individuals involved is essential to maximize satisfactory outcomes during assessment, treatment and follow-up of a child abuse case.

Where a child has been found to be in need of protection, services will be provided to the child and family. The role of the teacher is to:

- Observe the child's progress, including the child's behaviour, academic progress, emotional functioning, and physical well-being;
- Participate in the agreed-upon case plan; and,
- Share information with the child protection worker and any other persons involved in the family's treatment and support.

The degree of observation and participation required from the school should be agreed upon between the child protection worker, school personnel and any other persons involved with the child and family.

In some cases, a child may have to be removed from the parent's care to ensure the child's continued safety. Where a child has been apprehended, he or she may be placed with extended family, foster family or other residential programs outside the school or school division where the child normally attends school. In this case, the child protection worker is responsible to advise the principal of the child's new location. The principal of the sending school shall be responsible for notifying the principal of the receiving school about the circumstances. The child protection worker would also contact the principal of the new school to inform him/her of the child's circumstances. Any files or documentation (e.g., cumulative folder) at the school may be transferred with the child as agreed between the principals.

Provincial Child Abuse Protocol 2006
Section C: Guidelines for Conducting Interviews with Children

Introduction

Interviews are one of the tools used in child abuse investigations. In many cases, the information gathered from interviewing the child(ren) is critical to the subsequent investigation, and affects the outcome of the case. In many cases of alleged sexual abuse, the child's statement may be the primary source of evidence.

Children are interviewed for the purpose of gathering information. Information is gathered to determine if there is enough evidence to lay criminal charges, to assess child safety, and to formulate an intervention plan for the child and her/his family. Investigators who interview children require specific knowledge, skills, and abilities. This includes the ability to create a trusting atmosphere in which rapport with the child can be established.

Following are some principles and guidelines for conducting successful child interviews.

General Guidelines

1. Members of the investigative team will plan the interviews.
2. The most suitable team member will conduct the interviews.
3. Interviews will be conducted in a safe environment.
4. Wherever possible, interviews will be conducted in a "child friendly" room.
5. Whenever possible, only one videotaped interview will be conducted.

Goals of the Interview

A well conducted interview:

- minimizes trauma to the child;
- minimizes contamination of evidence;
- maintains the integrity of the investigation; and,
- provides sufficient information to assess the child protection issues.

Preparing the interview is critical to gathering information in a consistent and standardized fashion. The interview facilitates in-depth discussion of events.

The interview is a **fact-finding** process. Although an investigator may have some theories in mind about events, the interview is not the forum to prove or disprove a particular assumption. Some considerations to keep in mind before starting an interview are:

- Each child and each case is unique.
- Consideration must be given to any special needs or age related factors. (See Section D - "Interviewing Children with Disabilities and Conditions Affecting Communication.")
- When possible, time the interview for that part of the day when the child is likely to be most alert. Ask the parent or guardian what time of day the child is most alert.

- When possible, choose interviewers who can relate to the child's unique needs. Consider the circumstances of the allegations – if alleged abuse has been committed by a male perpetrator, the child may respond more easily to a female team member. If the child is Aboriginal, the child may respond more easily to an Aboriginal team member.
- The information should come from the child – not the interviewer.
- Ensure that words and concepts that the child understands are used. The language used should be developmentally appropriate to the age/development of the child.
- Give the child permission to ask questions about anything the interviewer says that the child does not understand.
- Use discretion to search for information, while respecting the child's well-being.
- Clarify with the child what she/he means by the use of a particular word or phrase and who he/she is talking about. For example, a child in a foster home may call both his/her foster mother and his/her own mother, "mom".
- Speak slowly and pause frequently to allow the child to process what you have said. It is important to provide sufficient "wait time" between your question and the child's response.
- Allow the child to use his/her own language/terminology without correction or prompting. (Do not "teach" proper terminology.)
- Phrase questions in such a way that the child does not feel that he/she is being corrected or his/her credibility is being doubted.
- Questions that begin with "why" may result in self-blame by the child and/or focus attention on motivation for behaviour that often is not fully understood by children or most adults.
- Interrupting a child is disrespectful and may stop the conversation. At the same time, investigators may need to probe into a child's statements in a manner that encourages the child to talk in more detail (e.g. "Can you help me understand?" "I'm mixed up, can you tell me again about ...")
- Use multiple choice questions to clarify details the child has previously disclosed. Multiple choice questions should contain only two choices.
- Some children discuss events in great detail, much of which may appear to be irrelevant to the investigation. It has been found that detail that may appear to be irrelevant often turns out to be the basis of important information about the abuse. The child's detailed discussion can also reinforce the validity of the child's statement.
- Interviews should not overburden the child. Children disclose when they are ready. Consider re-interviewing the child at a later time/date if appropriate.
- Conducting several interviews in one day may affect the quality of individual interviews. When there are several allegations about the same perpetrator, several interviews should be used. When there are several incidents with one victim, planning more than one interview should be considered. When possible, the interviewer should plan one interview with the child.
- Parents, caregivers and if, appropriate, the child should be given information about how to deal with pre- and post-interview anxiety including: documenting behaviours, statements and actions of the child; avoid pressing for more information from the child; how to manage potential contact with the alleged offender; and, the contact names and numbers of those agencies that may help both the child and the parents manage this process.

Be patient. Communication with children is part art, part learned skill and part application of the principles of child development, human behaviour, and the dynamics of child abuse.

Preparing for the Interview

Preparing for an interview includes gathering background information, selecting the person who will conduct the interview, and selecting the setting in which to conduct the interview.

1) **Interviewers:** Decide who will take the lead role in the interview before starting the interview.

2) **Planning questions:** Investigators must make every effort to avoid asking questions that could be deemed as "leading" in the court hearing. Leading questions are questions that suggest the answer. The interviewer can prepare by planning the sequence of questioning and planning how to phrase questions. A general rule to follow regarding the sequencing of questions is to start with general questions and move to specific questions. Specific questions should be based only on the information provided by the child. (See Section C - Pages 29-30 for examples of leading and non-leading questions.)

   Contamination of the statement and process may occur when discussing names and the nature of the allegation before the child has spoken about them. The interviewer can seek elaboration only after the child has provided the details.

   In the interest of assessing child protection issues, however, it may be necessary to ask the child questions that would be considered "leading". The decision to ask potentially leading questions should be made jointly by the police officer and social worker. If the interviewer has concerns about the child's susceptibility to suggestion, he/she may ask a few leading questions about irrelevant issues to which the interviewer knows the answers (e.g., "You came here by taxi, didn't you?") prior to starting the interview.

3) **Setting:**

   If possible and when you are aware of where the alleged abuse has occurred, conduct the interview in a location other than where the alleged abuse occurred.

- Reduce the risk of distraction during the interview. Toys and interview aids should be kept out of sight until needed.
- Furniture should be comfortable and suited to the needs of a child. Avoid furniture on wheels or furniture that is over-sized, etc.
- Video and audio recording equipment should be as unobtrusive as possible. If the child inquires about equipment being used, answer his/her questions honestly.

The Interview

There are generally three phases to an interview: introduction, investigation, and conclusion. It is important to note that while the following outline provides a basic structure for an interview, the interviewer can use his/her own interviewing style.

1. Introductory Phase

- The introductory phase is a time to establish rapport with the child. The interviewer should begin to engage the child by creating an atmosphere of safety and security that will set the tone for the remainder of the interview.

- The interviewer should begin by introducing her/himself to the child. Ensure that the child understands why he or she is meeting with the interviewer and assure the child that he or she is not responsible for what happened.
- This is also a time to begin to assess the developmental level of the child. Language, cognitive, and social developmental levels are of particular interest. Begin with non-threatening age-appropriate topics such as school interests, hobbies, or fun-time activities.

Note: When recording an interview, do not ask the child identifying information (address, name of school, etc.) as this would identify the child to any person in the courtroom when the recording is played, including prospective offenders.

As part of this phase, the interviewer might ask the child to describe two specific past events. These might be a description of a birthday party, recall a Christmas celebration or a school outing. Although these events should be memorable in some fashion, they should be independent of any known abuse allegations. The purpose of this exercise is:

- To provide an opportunity to model the form of the interview for the child. As the child describes each event, the interviewer can encourage detailed recall by asking non-leading, open-ended questions, a pattern that will remain consistent throughout the entire interview. It is more effective to introduce this pattern during the rapport-building phase than when the child is describing the events of concern.
- To assess the number and quality of details the child provides for a specific experience. This can be used as a baseline from which to further assess the amount and quality of detail in later recall of the abuse events.
- To establish rapport with the child by giving the interviewer an opportunity to show interest in the child's experiences.

Interview rules can be introduced at this point. Rules give the child a sense of what to expect. For an example of interview rules, see Section C - Page 30. A copy can be shown to the child if the child is able to read and comprehend the content. Posting these rules in the interview room would be beneficial for many children. However, for very young children, a list of rules may be too confusing. Demonstrating or having a picture card of the rules could be more effective.

The interviewer should raise the importance of telling the truth. This can be approached in a general manner (i.e., "This is a place to tell the truth"). The interviewer should determine if the child understands the difference between telling the truth and lying by asking questions such as, "You have green hair. Is that the truth?" Terms such as "pretend" or "make-believe" should not be used when interviewing younger children. These terms could blur the distinction between telling the truth and talking about fantasy and could jeopardize the integrity of the interview.

2. Investigative Phase

The investigative phase is the part of the interview during which the actual information is gathered for a statement. It may be the most intense and time-consuming aspect of the interview. This phase starts with general open-ended questions, such as a few "who" and "what" questions. From these questions, the interviewer can move to "where" questions followed by "when" questions and finish with "how" questions.

If there has been more than one incident, this portion of the interview will establish the chronological order of the incidents. Once the interviewer has general information, he/she can delve into the specifics of each incident. It is suggested that he/she begin with the most recent incident before proceeding to others.

These guidelines will assist in conducting the interview:

- The interviewer should proceed slowly and build trust carefully.
- The interviewer should ensure that the child understands why he/she is being interviewed.
- The child's perceptions of why the interviewer is there should be considered.
- It may be helpful to ask if the child wishes to share any concerns.
- If the child raises the topic of secrets, discuss when it is and when it is not appropriate to tell and ask the child if he/she has any secrets.
- Children may ask if the perpetrator will go to jail because of the child's disclosure. If this occurs, the child should be informed about what is possible.
- Encourage the child to provide a free narrative account of the event(s) by asking the child to describe each event from the beginning and tell everything that he/she can remember.
- Do not interrupt, correct, or challenge the child's report. Rather, make written or mental notes to re-check necessary points.
- Show understanding but not surprise. Bridge to the next step by explaining that clarifying points will help you to understand more clearly.
- Remember that this is a process rather than an event. Allow the child to proceed at his/her own pace. It may take more than one interview to get a statement from a child.
- Pauses in the narrative may be followed with gentle prompts ("Then what happened?" or "Tell me about that ...").
- If the allegations concern repeated abuse, try to determine the general pattern of abuse. Let the child describe the patterns as best she/he can. For some children, this may mean describing specific incidents of abuse before talking about the general pattern. Asking the child about exceptions to the general pattern (whether the abuse occurred at different times, places etc.) can help fill in needed detail about the pattern of abuse.
- Often, the child will specifically remember departures from general patterns of abuse. If multiple incidents are alleged, the incidents should be labeled ("you said it happened in the kitchen? ...Let's call it the 'kitchen time' "). The child may take part in the labeling process. This is very useful for helping the child organize his/her recall and for ensuring that the interviewer can clarify which incident is being discussed at any given time.
- At some stage in the interview process, it may be necessary to abandon the criminal investigation process (if the police determine that the child cannot provide enough information to substantiate a *Criminal Code* offence) and move into the area of assessing whether the child is in need of protection. This could mean using leading questions or aids designed to determine the safety of the child.

Guidelines for framing questions:

- Questions should be based only on the information provided by the child and should use the child's own terminology. Children may not use terminology in an informed way. Interviewers should clarify what the child means by certain terms.
- Questions must not be leading.

- Questions should be phrased in such a way that an inability to recall or a lack of knowledge is acceptable ("You said ...Can you tell me anything more about that?").
- The child's reluctance to talk about certain aspects of the event might indicate a lack of memory/knowledge. It could be suggested that the child use a signal (raise a hand) to indicate when he/she knows something but is not ready to talk about it. The topic can be raised at a later point in the interview or at another time.
- If the child becomes distressed about a topic, the focus should be shifted to aspects of the child's recall that are less stressful. When the child has regained composure, an attempt should be made to return to the distressing topic. It may be necessary to shift back and forth to a difficult topic several times before the child is ready to discuss it. Be patient.

Specific questions help to clarify and probe into information already presented for more in depth statements.

- The child should be asked to describe the context of an event ("Can you tell me what you were doing before ...?", " Can you tell me what the weather was like that day?", "Can you tell me about any smells?", "Did you hear any sounds?").
- Follow up on what may appear to be inconsistencies in the child's account. Probe in a gentle and non-threatening manner ("You said that he was touching your private parts and you said you had your clothes on. Can you tell me how that happened? Can you help me to understand?).
- Investigate origins of language or knowledge that appear to be inappropriate for a child of that age ("You said 'erection', do you remember where you learned this word? What does it mean?").
- When it appears that the child has exhausted his or her memory of the event, the interviewer may want to ask the child to give his or her recall of an event once again. It is important that the interviewer explain that the purpose of the repetition is to help understand the event more clearly rather than to question or discredit the child's report. For instance, the interviewer might say, "I think I understand most of what you told me. Will you help me by telling me once again everything you remember about the time in the kitchen?
- If the interview is being videoed, the interviewer should excuse himself/herself to confer with other team members who are not present in the room.
- In a non-videoed situation, the interviewer can ask the recorder if he/she has any questions. The recorder will then move into the role of the active interviewer and can ask any questions that remain.

The interviewer should review what has been done to be certain that all the areas have been covered.

Recording of Interviews

Video recording should be used whenever possible. There are specific requirements regarding how video recorded interviews are conducted. These requirements are outlined in the Provincial Child Abuse Protocol section, *Video Recording of Children's Evidence*. It is recommended that the investigative team review the following sections prior to interviewing:

- "What should be on the video recording";
- "Monitoring the Interview"; and,
- "Planning and Follow-up to the Video Recorded Interview".

In circumstances where an interview will not be video recorded, the following guidelines should be followed:

- Interviewing in teams is preferred. When an investigative team is involved, either a social worker or police officer will take lead responsibility for conducting the interview.
- If possible, audiotape the interview from the beginning.
- The preferred option is to have both members of the investigation team present. One member should serve as active interviewer and the other as active recorder. The recorder takes notes of significant developments during the interview and questions to be pursued but does not verbally participate until the active interviewer has finished. The active interviewer then invites the recorder to present any additional questions to the child. This allows both agency mandates to be fulfilled and the professionals to support and assist each other. Sequential questioning (active interviewer first, recorder later) reduces the chance the child will be interrupted or confused.
- The active interviewer should sit facing or beside the child at a close but comfortable distance with no objects (e.g., tables) between them. The person monitoring should sit out of the child's view, such as behind the child.
- The presence of other concerned adults (parents, school personnel, therapists, and guardians) may compromise the integrity of the interview and impede the child's open disclosure. If the child insists that another adult be present, this adult must sit out of the child's view and not participate in the interview.

3. Concluding the Interview

The manner in which the interview is closed is important. It affects how the child will deal with the experience and deal with the investigation.

- Thank the child for participating, regardless of any conclusions drawn by the interviewers.
- Explain to the child what will happen next in the investigative procedure. Do not make any promises about future developments that cannot be kept, such as, "We will make sure this never happens again".
- Give the child every opportunity to ask questions and answer them all as accurately as possible.
- As part of closure, reassure the child, provide ways that the child might contact the investigator (give him/her your card with your telephone number), encourage the child to remain in contact with the child protection worker, if appropriate, and ensure that the child is safe.
- Explain to the child that sometimes abuse happens again. Tell him/her what to do or who to talk to if this happens again.
- Talk to the caregiver immediately following the interview to prepare him or her for possible effects of an investigative interview on the child, such as nightmares or anxiety. The parent or caregiver should be told how to handle the possibility of the child saying that she/he did not tell the interviewer everything. Ask the caregiver(s) to record observations about behaviour and statements made, including the circumstances in which comments are made. Explain the risks of pressing the child for more information.
- If the child discloses abuse that happened to siblings, relatives, friends or others during the interview, he/she may be required to attend another interview to provide witness information. This is a similar process but may be done at another time due to the length of the initial interview.

Interview Aids

In recent years, the practice of using anatomically detailed dolls and other interview aids has come under close scrutiny and criticism. Interview aids can be very useful interview tools but are not diagnostic tests for abuse. The effectiveness of these interview aids is dependent entirely on the skills of the user.

Caution is advised if interview aids are used. It may be argued in court that a child may be susceptible to suggestion through the use of aids. Aids should be used only once a disclosure is obtained, and then used only to clarify details. Aids should **never** be presented as part of unstructured play activity.

The following guidelines will help in the proper use of interview aids:

- For investigative purposes, if a child has sufficiently described an allegation but is having difficulty describing the details, an interview aid such as anatomically detailed dolls may be used.
- Explain the purpose of the dolls and stress that they are not for play. Start the session by presenting the dolls fully clothed. Ask the child to identify which doll is most like him/her and which doll is most like the offender. With the interviewer controlling the doll, ask the child to identify the body parts on each doll from head to toe, removing clothing as required. Ask the child to use the dolls to show what happened. Do not use expressions such as "let's pretend".

Non-Leading Interview Techniques

The following material on Non-Leading Interview Techniques was presented by Sgt. I. W. T. (Wayne) Roberts of the Royal Canadian Mounted Police at a Child Abuse Investigators Course on February 4, 1997 in Regina, Saskatchewan. It is reproduced in this document with Sgt. Roberts' permission.

The most effective method of eliciting valid information from a child is to allow the child the opportunity to tell if anything has happened and **what** has happened.

Therefore, the discussion with the child, which will include questions, must not provide information to the child or contain any of the interviewers' assumptions.

Instructions

The following are examples of leading questions. Rephrase these questions into a non-leading style:

1) These questions contain the answers:

Leading	**Non-leading**
Were you at his house?	*Where were you?*
Was your Mom there?	*Who was there?*
Did he tell you not to tell anyone?	*What was said? Tell me about the conversation.*

2) These questions contain a choice of answers:

Leading	**Non-leading**
Was he wearing pants or shorts?	*What was he wearing?*
Did he ask you or make you do it?	*What happened?*
Did this scare you or make you angry?	*How did you feel?*
Were you in the bedroom or the living room?	*Where were you?*

3) **These questions name the suspected offender before the child has identified the person:**

Leading	**Non-leading**
We've been told you have a problem with your childcare worker.	*We've been told you have a problem with someone.*
Where did your counsellor touch you?	*Were you touched? Where were you touched?*
Did your babysitter tell you to keep this a secret?	*Tell me about the conversation. Tell me more about that . . .*

4) **These questions contain explicit details of the alleged offence:**

Leading	**Non-leading**
Did he make you rub his penis up and down?	*What happened?*
Did white stuff come out of his penis?	*What did you see?*
How did he hurt you with his hand?	*What happened next? Then what happened?*

5) **These questions contain the interviewers assumptions:**

Leading	**Non-leading**
We need to ask some questions about what happened to you.	*We need to ask you some questions/talk to you.*
What kind of car did you go in?	*How did you go?*
Tell me about your Mom's house.	*Tell me about the house.*
You told your Mom and your teacher?	*Who did you tell?*
Do other children know about this?	*Does anyone else know this?*

Leading questions could be asked only if the child has already given you the information. For instance, if the child tells you that the offender was wearing pants, the interviewer could ask about the pants (i.e., " tell me about his pants").

Interview Rules

1. If I misunderstand something you say, please tell me. I want to know. I want to get it right.
2. If you don't understand something that I say, please tell me and I will try again.
3. If you feel uncomfortable at any time, please tell me or show the stop sign (a stop sign should be provided).
4. Even if you think I already know something, please tell me anyway.
5. If you are not sure about an answer, please do not guess. Tell me you're not sure before you say it.
6. Please remember that when you are describing something to me, I was not there when it happened. The more you can tell me about what happened, the more I will understand what happened.
7. Please remember that I will not get angry or upset with you.
8. Talk only about things that are true and that really happened.

Use only as many ground rules as the child is able to process cognitively. Young children may become preoccupied with remembering the rules and become blocked from proceeding with the interview. All children must be considered within their developmental context when assessing which ground-rules will be most relevant to them. Credibility in court will also depend to some degree on the child's understanding of the ground rules.

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Section D: Interviewing Children and Youth with Disabilities and Conditions Affecting Communication

Police and Community Resources personnel may also be required to interview children and youth with disabilities and medical conditions. Children and youth with disabilities, including those who are deaf and hard of hearing, and those with intellectual disabilities, autism, speech and language disorders, and learning disabilities may demonstrate significant difficulties in communication.

There are also children or youth who have physical or mental conditions that may affect their ability to communicate. These include diabetes, epilepsy, depression, schizophrenia, psychosis, anxiety disorder, and substance abuse.

Interviewing a child or youth with a disability or condition may pose challenges for the interview team. Information on specific disabilities and conditions and suggestions for conducting interviews are provided in the following two sections:

1. Interviewing Children and Youth with Disabilities and Conditions Affecting Communication - General Guidelines
2. Characteristics Associated with Specific Disabilities and Conditions

    - Intellectual Disability
    - Autism and related disorders
    - Attention Deficit/Hyperactivity Disorder (ADHD)
    - Fetal Alcohol Spectrum Disorder (FASD)
    - Learning Disability
    - Deaf and Hard of Hearing
    - Visual Impairment
    - Diabetes
    - Epilepsy
    - Mental Disorders

Interviewing Children and Youth with Disabilities and Conditions Affecting Communication - General Guidelines

- Identify the disability or condition (i.e., hearing impairment, comprehension level, speech impairment, physical disability).
- When preparing for the interview, consult with the adults in the child's world who understand the nature of his/her disability and are familiar with how the child communicates. Teachers and other professionals or paraprofessionals who have had experience in communicating with the child can be an invaluable resource to the interview team. This may include speech/language pathologists, educational psychologists, counselors, teacher assistants, clinical psychologists, social workers, nurses, child and adolescent psychiatrists, pediatricians, and alcohol and drug counsellors.
- In some situations, depending on the level of development of the child, a standard interview may not be successful. In other situations, it may be possible to proceed with the normal interview protocol, adapting it to the level of understanding of the individual. Familiar adults, such as the teacher or speech and language pathologist, may be able to help in making appropriate adaptations. Be prepared to take extra time as needed.

- Remember to use vocabulary and sentences that are at the child's level of cognitive and language development. It may be helpful to ask a few non-critical sample questions to determine how simple or complex the questions can be.
- Ask one question at a time and avoid lengthy complex questions.
- Speak slowly and pause to allow the child to process what has been said. It will often take the child with a disability longer to process the question, formulate and express his/her answer. It is important to provide sufficient "wait time" between the question and the child's response.
- It may be helpful to repeat questions in simpler forms, as the child may have problems processing complex questions and sentences.
- Some children, such as those with autism and FASD, may be very literal in their interpretation of speech. It is best to avoid words with double meanings, and to use clear concrete vocabulary.
- Some children may have difficulty with verb tenses. For example, they might use the present tense to describe a past event.
- The child may experience difficulty with the concept of time, such as the concept of before and after, and being able to sequence events. The child may not be able to accurately define when something happened. It may be helpful to link events with major activities in the child's life, school events, or routines such as mealtimes.
- Some children, such as those with ADHD, FASD and autism, may have difficulty remaining on task and attending for long periods of time. It may be necessary to allow time for the child to take a break from the interview to do other things.
- The use of visual prompts and gestures may help the child to understand. This is particularly helpful with children who are deaf or hard of hearing and children with autism. These techniques can also be helpful for children with FASD, ADHD and intellectual disabilities.
- Give consideration to the environment in which the interview is being conducted. Room temperature levels, type of lighting or background noise may affect the way a child with a disability responds.

Characteristics Associated with Specific Disabilities and Conditions

All disabilities and conditions range in severity from mild to moderate to severe, and each child presents with his or her unique personality and patterns of strengths and needs. However, the following general information may assist the interviewers in understanding the child's disability or condition, and the learning and behavioural characteristics that may impact on the interview situations.

Intellectual Disability

A child with an intellectual disability generally tends to learn more slowly and can have limited ability to learn. This disability may cause difficulty in coping with the demands of daily life. Frequently children and youth with intellectual disabilities have speech deficits and their language level is considerably below the level of their peers. Consequently, they may have difficulty understanding and responding to complex questions.

It is important to note that there is a great range of abilities among children and youth who have been identified as having an intellectual disability. Those children with severe intellectual disabilities may have very limited or no speech. Others with a mild intellectual disability may be able to carry on a conversation, but demonstrate difficulty with recalling details and sequencing events. Adults who are familiar with the child can provide specific information on communication and cognitive abilities.

In addition to the *General Guidelines*, the following suggestions can assist in the interview process:

- Determine whether the child requires assistance with communication, and whether he or she is using an alternative or augmentative communication system.
- Deal with one issue at a time, and be as specific as possible in your conversation.
- While it may be necessary to use plain language and speak slowly and clearly, it is important to treat older children and adults in an age-appropriate manner.
- Give the individual time to respond.
- Be prepared for the interview process to require additional time and patience.

Autism[1] and Related Disorders

Autism may be characterized by the following observable behaviours:

- There may be a range of difficulties in expression as well as understanding of language. The teacher, teacher assistant, or speech and language pathologist will be able to provide information on whether or not the child is using visual supports in communicating, and describe how they are used.
- Up to 50% of people with autism do not develop functional speech. There are individuals who may have difficulty carrying on a conversation, and their speech may have unusual qualities such as a monotone or lilting quality, or a distinct repetitive rhythm.
- Some individuals may be echolalic; that is, they may repeat what is said to them. Sometimes this repetition occurs immediately after the model, and sometimes it is delayed. For example, some individuals may repeat a statement that was said to them in a specific situation.
- Difficulties with social interaction are demonstrated by all individuals with autism. Some may be very withdrawn, while others may be overly active and approach others in peculiar ways. There may be little or no eye contact.
- There are frequently different responses to sensory stimuli. Some children are extremely sensitive to specific sensory experiences, such as touch, sound, or smell.
- Unusual repetitive behaviours such as hand flapping, rocking, or spinning are common.
- There are frequently problems with attention and resistance to change. A child with autism may have difficulty adjusting to new settings and new people. It is helpful to conduct interviews in familiar settings, and may be necessary to see the child two or three times to establish some familiarity.

Attention Deficit/Hyperactivity Disorder (ADHD)

ADHD is a syndrome, or set of symptoms that includes inattention and hyperactivity/impulsivity as demonstrated in the following behaviours:

- difficulty with paying attention to details;
- difficulty with sustaining attention;
- often does not seem to listen when spoken to;
- has difficulty organizing him/herself;
- often loses things;

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[1] Autism is one of a number of related pervasive developmental disorders that include Asperger's Syndrome and Pervasive Developmental Disorder Not Otherwise Specified. All three of these Autism Spectrum Disorders have some common characteristics that affect the child's communications, thinking and behaviour.

- is easily distracted, and often forgetful in daily activities;
- often fidgety and may leave seat or room;
- often talks excessively; and,
- often blurts out answers before questions are completed and may interrupt or intrude on others.

Fetal Alcohol Spectrum Disorder (FASD)

FASD can affect overall intellectual development, social judgement and attention. Some of the characteristics that may impact on the interviewing process are:

- problems with gaps and inconsistencies in understanding, sequencing and processing information;
- limited attention span and/or may be easily distracted and impulsive. It is estimated that 80% of children with FASD demonstrate hyperactivity;
- difficulties with memory and recalling information in a specific order;
- problems with clarity of speech;
- problems with comprehension of speech and language. The individual may need extra time to process information, and may need repetition;
- hearing deficits; and,
- over or under sensitivity to light, sound, touch, smell and taste. Sometimes the child/youth may act out if he or she is experiencing "sensory overload".

Learning Disability

Children and youth with learning disabilities may present with a wide range of characteristics:

- The disability may affect performance in academic areas such as reading and mathematics;
- There may be problems with visual or auditory perception, concept formation, memory, and/or behavioural difficulties;
- Some children also present with difficulties similar to those with ADHD; and,
- It is estimated that up to 50% may have difficulty with oral language.

Deaf and Hard of Hearing

The single most overwhelming issue for children who are deaf and hard of hearing is communication. Some children are oral; that is, they utilize whatever hearing they have to listen and to communicate through speech. Children with severe to profound hearing loss may use manual communication or sign language.

Whether a child has an interpreter, a hearing aid, or uses total communication, communication is very hard work. It requires a great deal of concentration, and the child may become very tired. Small breaks may be necessary depending on the length of the interview.

In addition to the *General Guidelines,* the following information is important in conducting the interview:

- The interviewer's mouth should be kept at the child's eye level and remain in one position as much as possible when speaking. Walking around the room during the interview will make communication more difficult for the child.
- Make eye contact with the child/youth when speaking.

- Ensure that lighting is appropriate so that the child can see the interviewer's face and the movement of lips.
- Speak clearly and slowly without exaggerating lip movements.
- Be sure that a child who wears a hearing aid has the aid turned on.
- If the child uses an interpreter, the interviewer can consult with the teacher or principal to determine who would be the best interpreter for the situation. Interpreter services can also be accessed through Saskatchewan Deaf and Hard of Hearing Services Inc. (See *Resources and Services for Persons with Disabilities and Conditions Affecting Communication.*)
- When speaking, look at the child/youth, not the interpreter.
- Allow extra time for the interpreter to transfer the complete message to the child and for the child to form answers.
- Permit the interpreter to ask for clarification or repetition of information.
- Speak clearly in normal tone, rate, and volume.

Visual Impairment

Legal blindness is defined as a distance acuity of 20/200 or less in the better eye, or having no usable vision, or a field of vision reduced to an angle of 20 degrees. Visual acuity of 20/200 means that the person must stand at twenty feet or less to see an object that would normally be seen at two hundred feet. Total blindness, which is the inability to see anything, is uncommon.

The following special considerations can assist in preparing for and conducting the interview:

- The child/youth will need to be oriented to the room in which the interview will occur. It is best if a familiar location is used.
- It is best to have someone who is familiar to the child escort him/her to the interview.
- Inform the child about the general layout of the room and about other details, such as the presence of a tape recorder.
- Allow the child to explore the interview room if it is unfamiliar to him/her. Provide verbal descriptions as needed, and guide the child to where he/she should sit.
- The child/youth should know who everyone in the room is, as well as who arrives or leaves during the interview. The interviewer can make contact with the child by voice and by touch, such as a handshake.
- For a child or youth who is blind, remembering places, events, and activities will have a physical component. The child or youth may describe events in a physical manner, according to what his/her other senses perceived.
- The child may demonstrate different body language than what is expected. For example, exaggerated movements may occur; facial expressions may be different than expected. It is important to note that these characteristics may be associated with the visual impairment and the lack of opportunity to see and model facial expressions.

Diabetes

Diabetes may affect an individual's response within the interview situation. The following behaviors and reactions may be an indication of low blood sugar:

- cold, clammy, sweaty skin;
- trembling, shaking of hands;
- confusion or disorientation;
- irritability, hostility;
- uncoordinated, staggering gait;
- difficulty speaking; and,
- eventual fainting or unconsciousness, if the underlying condition is untreated.

Epilepsy

The child or youth with epilepsy whose condition is not well controlled may have lapses in attention. In some situations, a seizure may not be obvious and may appear as daydreaming or staring spells.

Mental Disorders

Depression

The child or youth with depression may be relatively unresponsive, lacking in energy or motivation, cautious or withdrawn.

Schizophrenia

The child or youth with schizophrenia may have difficulty concentrating or paying attention, have disordered thoughts and hallucinations, and may be unmotivated.

Psychosis

The child with a psychosis may demonstrate similar difficulties to the child or youth with schizophrenia.

Anxiety Disorders

The child or youth with an anxiety disorder may have difficulty concentrating and may be preoccupied or distracted by his/her own thoughts or physiological experiences (manifestations of anxiety).

Alcohol and Drug Use/Abuse

The child or youth who uses or abuses alcohol or drugs may demonstrate difficulty concentrating, irritability, impatience, lack of motivation, lack of energy or hallucinations.

Note: *Although individuals with a specific disability or condition may share some common features, no two individuals are the same. The common characteristics help to understand the general needs associated with a disability or condition, but it is important to acquire information on the specific needs, abilities and personality of each child or youth.*

Provincial Child Abuse Protocol 2006
Section E: Video Recording of Children's Evidence

Purpose

Canadian courts have articulated a preference for video or audio recorded statement evidence. This evidence is seen as an inherently reliable record of the interview process. A video recording allows the viewer the opportunity to observe the demeanour and behaviour of a witness and of the interviewer in a way that gives particular meaning to the words spoken.

This section of the protocol is designed to deal with the video recording, production and security of recorded interviews of children's evidence. In particular, reference should be made to the portions of the protocol that deal with investigation and interviewing when planning and conducting a video recorded interview of a child's evidence.

This section of the protocol is intended to promote consistency of video recorded interviews from interviewer to interviewer and from site to site. Guidelines have been included about how video recordings will be made, maintained and used. However, this section does not include complete procedures involved in video recording.

Although specifically targeted to the video recording of children's evidence, much of the information contained here can readily be adapted to the video recording of dependent or vulnerable witnesses of any age. Some of the information contained in this protocol is compatible with the video recording of suspect or offender interviews.

How Can Video Recorded Evidence be Used?

As Evidence of What Happened:

The *Criminal Code* was amended to permit a video recorded interview of a child sexual assault complainant to be entered in evidence in a criminal trial, if the video was made within a reasonable time after the alleged offence and if it is later adopted by the complainant.

Case law has been developed that would permit the introduction of video recorded evidence as an exception to the hearsay rule of evidence in exceptional cases.

A video recording must meet the requirements of relevance, reliability and necessity before it can be admitted into evidence. Before its admission, the court will seek, as with all physical evidence, to have the continuity of the evidence established. This is to ensure that evidence has not been altered or tampered with in advance of the trial. The court will also require evidence about how the video recording has been prepared. That is, the court will want to know what happened before, during and after the video recording.

Compliance with this protocol should ensure the admissibility of video recorded evidence in appropriate cases.

Other Uses:

Regardless of whether or not the video recording is ultimately admissible as evidence in a subsequent criminal proceeding, video recording a child's evidence has several advantages:

- The video becomes available to others involved in the investigation and prosecution of the allegation. It is a reliable record for the investigative team.
- Its utility as a record does not diminish over time and is not dependent upon the recollection of the investigator. Consequently, the child does not need to be repeatedly interviewed. This reduces the trauma the child may experience during the course of the investigation and prosecution.
- The video can be a useful investigative tool. It can be shown to the perpetrator in an effort to elicit acceptance of responsibility for actions pre- or post-charge.
- It can be shown to the child in preparation for court.

What Should be on the Video Recording?

Consideration should be given to video recording all verbal/demonstrable statements elicited from a child during the investigation of a criminal complaint. The decision to video record is left to the discretion of the police and child protection worker. In exercising this discretion, they will be guided by the following principle:

> *Video recording is an effective way of reducing investigative trauma to an already traumatized child. Consequently, it is the preferred method of recording the evidence of children and other vulnerable witnesses.*

Children's evidence should be video recorded whenever possible. To facilitate this, there are appropriately designed softrooms with video recording capacity throughout the province. These facilities must be booked in advance by police.

In some cases, the urgency of the investigation, the medical needs of the child, or the personal circumstances of the child will result in a decision not to video record the child's evidence. In such cases the investigative team will record its reasons for not video recording the statement taken. Whenever possible, the interviewer will audiotape interviews that are not video recorded. The interviewer and the investigative team will keep a detailed record of what transpired during the interview. That record will include, but will not be limited to, the time, date and place of the interview, the duration of the interview, who was present during the interview, the precise questions asked of the child, the precise answers supplied by the child and interview aids used, if any, during the interview.

Design and Structure of the Interview Room

Standards for Softrooms:

The room should be an environment that provides optimal conditions for video recording. It should strike a balance between a non-threatening room that will encourage disclosure and a room that will not present distractions for the child. The child must feel relaxed and comfortable and not intimidated by austere, clinical or sterile surroundings. However, it is also important that the child not be distracted and that the child understands that the purpose of coming to the room is to talk about the incident.

The furniture should be comfortable and functional. It should be easily moveable to accommodate the child's needs and interests.

There should be no distractions (like toys) or interview aids in the interview room. Any aids, such as anatomically detailed dolls, paper, pens, easels and the like should be taken to the room by the interviewer when the interviewer has determined that they can be appropriately used.

The interview room should not contain a window or one-way glass, as these are too distracting. Viewing of the interview should be in a separate monitoring room immediately off the recording room. The monitor room should be equipped with video monitors and be sufficiently soundproofed so that any feedback or audio echo does not present a problem to the interview.

The camera and microphone should be located in interview rooms in a manner that they will not be obtrusive or present distractions for the child.

Access to the interview room should be limited. Ideally, only the interviewer and the child should be present in the interview room. Public access to the rooms should be restricted by posting signs advising people to keep away from the interview rooms or by locking access doors. Access to the camera equipment and to the monitor room should be limited to individuals validly monitoring an interview or skilled technical staff.

The following standards are suggested:

Monitor Room

- The size of room can vary, but should allow room for monitor, recording equipment and two or three persons;
- Ideally the room should be close to the interview room, but can be situated anywhere to where cable can be led; and,
- It should have a locking door to protect equipment and provide privacy for monitoring an interview.

Interview Room

- The size should be about 10' x 12';
- It should be located away from the general office, high traffic and high noise areas to eliminate distractions and interference. Children should not have to travel through an entire office area to get to the interview room;
- Lighting should be sufficiently bright to clearly light the room and provide for video recording. Flourescent lighting can cause a colour camera to give a green or off-colour effect, resulting in poor picture quality;
- The acoustics of the room need to be considered to prevent echoes or a box-like sound being picked up by microphones. This can usually be eliminated with acoustic roof tile, hanging a curtain on a wall and having carpeting on the floor;
- The room should have only one entrance;
- Walls should be painted in softer neutral colours. If used, wallpaper should have neutral colours with no patterns;
- Windows should have a Venetian blind or curtains;
- There should be no closets;
- There should be no artwork, posters etc. on the walls; and,
- Carpet should be in a complementary neutral colour with a low pile type that allows for easy movement of chairs, children playing, etc.

Furniture

- A sofa should be a smaller size (loveseat) that should be easy for a child to get in and out of. It should not have big soft cushions;
- Soft colours should be chosen and bold patterns or designs in upholstery avoided;
- If a coffee table is placed in the room, it should be a low style circular table (20" high, 36" diameter) to allow for easy placing of chairs and to reduce the chance of children injuring themselves on sharp corner placements; and,
- End tables, pole lamps and table lamps can be used but not to the point that the room becomes cluttered. Be cautious about using halogen lights as they can burn small hands.

Camera/Microphone

- Audio and video equipment should be of industrial grade as it has been field proven far superior in wear and quality of product and it is easier to repair and maintain. Unlike consumer grade equipment, suppliers of parts for this type of camera and monitor are readily available. It is more practical to purchase better quality recording equipment that will allow for better picture and sound. Technicians can work with and enhance the quality of a video recording on top quality equipment;
- Recording should be done in a transferable media format;
- The camera should be visibly mounted at a lower level to allow better viewing of small children;
- The camera should have time, date and continuous counter capacity;
- Video selection is important. There are two types of video to choose from – the one-camera and two-camera versions. The two-camera version is a "picture in picture" and allows for a close-up of the child with a simultaneous view of the room. Either type of video is adequate;
- Video recordings should be properly stored to prevent damage and extend their longevity. Video recordings should be stored at normal room temperature. They should be kept away from heat sources and electrical current. They should not be kept on or in the media device for any length of time;
- Microphones should be mounted on the wall to enable good sound quality. A table-mounted microphone tends to pick up other noises; and,
- A body pack microphone should also be available to be placed on the person being interviewed, especially a child. Children often will talk down into their chests, or speak quietly and these microphones will pick up their voices.

  More specific equipment specifications are available from Sgt. A.E. (Gus) Schmid, RCMP Special Division, 172 - 18th Street East, Saskatoon, Sask.S7H OT4, (306) 975-5677.

Preparing for the Video Recorded Interview

The video recording should accurately record what transpires during the interview with the child. Therefore it should show as much of the interview room as possible, including all entrances and exits from the room so that it is evident who is in the room at all times.

During the interview, only the interviewer and the child should be present in the room and both should be plainly visible on the video recording. The video recording should record facial and bodily expressions as well as any sounds they may make.

The presence of a second interviewer or child or a support person or parent is strongly discouraged. In some cases, where an interpreter or translator is required to assist the interviewer, a third person may need to be present. That person must be instructed not to coach, assist or lead the child in providing evidence. In rare cases where a third person is present, his or her facial and body expressions should be clearly visible at all times on the video recording.

The video recording should have a time/date display or other method of determining whether recording was disrupted (such as a large clock in the background).

Remember that the accused and his/her counsel will likely view the video recording. Sometimes the video recording may be played in open court. Consequently, while the need for rapport building with the child is recognized, some things should *never* be recorded on the video:

Avoid recording identifying information about the child, *such as the child's address, phone number, school, grade and teacher, caregiver/day-care address and name. A child's privacy must be respected. The accused or others attending court proceedings can obtain information about the child that might not otherwise be available to them. When a written statement is taken, the prosecutor's office would remove the identifying information before providing the statement to the accused. This is very difficult to do with a videotape.*

Avoid recording the child's/youth's sexual history *with persons other than the suspect or suspects. This is particularly relevant in the case of sexually active adolescents. The fact that they may or may not be sexually active is generally irrelevant to the investigation. Once elicited, this information can become the subject of defence motions and inquiries into the child's private life, which can be very embarrassing and damaging to the child's/youth's self-esteem.*

Do not ask the child opinions about:

- *the content or reliability of medical or other evidence; and,*
- *what should happen to the suspect.*

At best, this information is irrelevant to the investigation.

Monitoring the Interview

All of the softrooms in the province have been designed to allow monitoring of the interview in a separate room. It is recommended that in all cases where a video recording is being made of a child's evidence, the interview be monitored by members of the investigative team. Monitoring is different from providing technical support to the video recording process. In fact, individuals monitoring the interview must be clearly instructed to **not touch the recording equipment** unless they are designated and trained technicians.

Individuals monitoring the interview must pay close attention to the interview in progress and take detailed notes about the interview. These notes may be required to supplement or explain any subsequently identified technical or other difficulties with the video record. Individuals monitoring the interview are present to assist the interviewer in conducting a comprehensive and sensitive interview with the child. In performing that function, they may be required to interact with the person conducting the interview.

In very few locations throughout the province, it is possible for those monitoring the interview to communicate with the interviewer by speaking directly to him or her via an ear microphone while an interview is occurring. Where such an opportunity exists, those monitoring should be careful to interject comments when they will be least disruptive to the flow of the interviewing process. Comments should be limited. Many comments can be reserved to the time when the interviewer breaks to consult with the other members of the team. Detailed analysis, criticism or suggestions should be held back until there can be a face-to-face debriefing with the interviewer.

Generally, during each interview the interviewer should break to consult with the individuals monitoring the interview. The purpose of the consultation is to ensure that the interviewer has elicited all relevant information from the child. Generally this will occur near the completion of the interview. The interviewer should advise the child that he/she is leaving the room to speak with his helpers and will be right back. Upon returning, he/she should tell the child that he/she has talked to his helpers and that they have reminded him/her that he forgot to ask, or suggested that he/she might want to check to make sure about, or that we have done a good job of describing what happened and so there are no more questions.

Persons who are not members of the investigative team should not be allowed to monitor the interview or be present during the child's interview. Most commonly, the caregiver of the child will ask to be present. At this point, the investigator may not be fully aware of the circumstances of the allegation. The presence of a caregiver during the interview may taint the evidence given by the child or may cause the child to withhold or colour evidence to protect himself or the caregiver. The interviewer may not know at this time whether the caregiver is an offender and, consequently, permitting the caregiver to participate in the interview may expose the child to increased risk.

If a parent or caretaker is permitted to monitor or be present during the interview, he or she must be carefully instructed about acceptable behaviour. The caregiver may also need to be warned that anything he or she says or does during the course of the interview may be used against him or her in subsequent proceedings.

To avoid these difficulties, it is suggested that when the child is being interviewed, the caretaker be given some tasks. The caregiver should be asked to provide a detailed statement of all the events leading up to taking the child for the interview. The statement should include the details of any conversations with the child about the incident or about the purpose of the child attending for an interview. The caregiver should also be asked to provide detailed biographical information on the child. This would include the child's date of birth, family status, current age, school attended, grade, teacher's name, favourite pastime, things feared, favourite toy or clothing, doctor's name, counsellor's name, special needs, parents' names and addresses, siblings' names, friends, babysitters, day-care workers, extracurricular activities, any observed behaviour changes (specify what, when occurred, how often, how severe), and who to contact to arrange for interviews or court preparation. If it has not already occurred, the investigator should provide the caretaker with the name and telephone number of the key investigative team members, a number to contact for information throughout the proceedings, and the name and telephone number of victim assistance personnel.

Planning and Follow-up to the Video Recorded Interview

As with all interviews of children, the investigative team should meet before the interview to plan the interview. The primary interviewer and monitors should be identified. If the child has any special needs, these should be identified and prepared for. If special equipment will be required to elicit the statement from the child, it should be acquired. If interview aids will be used, the interviewer should take steps to ensure that their use will be plainly visible and intelligible on the video recording.

Arrangements should be made to reserve the interview room at a time that is convenient to all parties. Every attempt should be made to schedule an interview to minimize conflicts with the child's school, activities or social schedule.

Arrangements should be made to have the child transported to and from the interview site. Provide instructions to the person transporting the child about the requirement to record what transpires during those times. Arrange for and communicate what you expect the person transporting the child and/or other support persons or family members who accompany the child during the interview to do during the interview.

Arrange to greet the child upon arrival at the interview site. At the appropriate time, the child should be advised that the interview will be (or was) video recorded. Often a child will view a copy of the video at a subsequent point in the proceedings.

It is advisable to have all interaction with the child recorded on the video recording. There must be no pre-video interview with the child (except for the details outlined on page 42).

Each interview conducted should be recorded on a separate video format.

Once the interview is completed, the interviewer should review the video and make notes to:

1. enable the interviewer to determine whether the video recording accurately records the interview when the interview is fresh in the interviewer's mind; and,
2. enable the interviewer to note with some degree of accuracy what was said or done during portions of the video recording that may have inferior picture or sound quality.

Once the team has reviewed the video, the team should discuss what will happen next with the investigation. It may be appropriate at this time to forward the file (including a copy of the video recording) for opinion to the prosecution's child abuse team in the area.

The video must be marked and treated as an exhibit by the police member of the team.

The team should determine whether copies should be made and, if so, who should receive those copies, as well as the dates the copies are sent and the reasons.

The investigative team should keep an accurate record of all that has transpired prior to and subsequent to the interview, in the event that team members are later called to testify about the content or process of obtaining this child's evidence.

Copying the Video Recording

The original video recording is evidence. It must be treated in every way like other real evidence in a criminal proceeding. The police are responsible for ensuring that this happens and for preserving the integrity of this evidence.

Others involved in the investigation may, from time to time, require copies of the video recording.

- Only police may make copies of the original video recording. They must keep a record of all copies made and to whom they are provided.
- Copies of video recordings shall be carefully packaged in a sealed container and delivered by hand, courier or registered mail directly to the recipient and be marked "personal and confidential".
- All copies must be returned to police for destruction when the copies are no longer required for the purpose they were provided, unless written permission is obtained from the police service to retain possession of the copy of the video recording.
- While several interviews can be copied onto a single video recording, the interviews must all relate to the same case, suspect or file.

Prosecution of Criminal Cases

A copy of the video recording should be provided to the prosecutor's office when requesting an opinion about charges. The video recording will be returned to police when the opinion has been delivered, unless a prosecution has commenced or charges will be laid immediately. In the latter cases, the prosecutor providing the opinion will advise that the video recording has been retained on file.

Immediately upon charges being laid, the police shall provide the prosecutor's office with two copies of each relevant interview. One copy is intended for disclosure purposes and one copy is intended for trial preparation.

- In all cases, the prosecutor's office will provide disclosure of copies of video recording of children's evidence. All requests for disclosure are to be forwarded to the appropriate prosecutor's office.
- The prosecutor will determine and impose necessary trust conditions or seek court orders in appropriate cases to preserve the child's privacy and ensure return of the copy.
- The prosecutor will assume responsibility for ensuring that the video recording is not copied further. If additional copies are made, the copies should be tracked to ensure that they are returned upon completion of the prosecution.
- Upon completion of the trial and the expiry of any relevant appeal periods, all copies of the video recording held by the accused and counsel shall be forwarded to the police investigator for destruction.

Other Professionals

Other professionals involved in the investigation and prosecution of the complaint may, from time to time, require a copy of the video recording.

- All requests for a copy of the video recording shall be made in writing and directed to the investigating officer.
- Wherever possible, the preference shall be for the police to provide these professionals with an opportunity to view the video at the police station. A copy of the video recording will be provided only in cases where that is not feasible.

- Where a copy is provided by police, police shall document who received a copy, as the reasons, and the date sent.
- The recipient of the video recording is not entitled to make a copy.
- All copies shall be returned to the investigator for destruction at a date and in a manner specified by the investigator but, in all circumstances, no later than five years from the date of receipt.

Destruction of Copies

Upon receipt of returned copies of video recordings, the investigator will immediately arrange to have them erased, and will make a record of their return and erasure.

Erased videos can be used for other purposes but can never be used again as the original video for an interview.

Retention and Storage of Original Video Recordings

The original video recording should be in the possession of the police at all times, unless and until it has been marked as a court exhibit.

Where an original video recording has been marked as a court exhibit, the Crown prosecutor will request an order that it be returned to the police upon the conclusion of all relevant proceedings and appeal periods.

The police may rely on existing retention of exhibits policies.

Provincial Child Abuse Protocol 2006
Section F: Reference Materials

Definitions

Child - anyone under 16 years of age.

Child Abuse Investigation Team - the group of professionals involved in the management of any given child abuse case prescribed by one of these procedures. Not all potential team members will be involved in every phase of the case.

Child in Need of Protection - defined in Section 11 of *The Child and Family Services Act*, and includes situations where the child has suffered or is likely to suffer physical harm, or has been or is likely to be exposed to harmful interaction for a sexual purpose.

Child Protection Worker - includes:

- A Social Worker employed by Saskatchewan Community Resources; or,
- In the case of First Nations Child and Family Services agencies, includes an employee of an agency who is providing services to the children and families living on-reserve.

Officer - means a person designated by the Minister of Community Resources as an officer under *The Child and Family Services Act* and includes:

- A Child Protection Worker employed by the Department of Community Resources; or,
- In the case of First Nations Child and Family Services agencies, includes an employee of an agency who is providing services to the children and families living on-reserve.

Peace Officer - Police and RCMP officers.

Parent - includes:

- The mother and father of a child;
- A person to whom custody of the child has been granted by a court or by an agreement; or,
- A person with whom the child resides and who stands in place of a parent.

Youth - A person aged 16 or 17.

Legislation

The Child and Family Services Act

Child in Need of Protection

(11) A child is in need of protection where:

(a) As a result of action or omission by the child's parent:

(i) The child has suffered or is likely to suffer physical harm;

(ii) The child has suffered or is likely to suffer a serious impairment of mental or emotional functioning;

(iii) The child has been or is likely to be exposed to harmful interaction for a sexual purpose, including involvement in prostitution including conduct that may amount to an offence within the meaning of the *Criminal Code*;

(iv) Medical, surgical or other recognized remedial care or treatment that is considered essential by a duly qualified medical practitioner has not been or is not likely to be provided to the child;

(v) The child's development is likely to be seriously impaired by failure to remedy a mental, emotional or developmental condition; or

(vi) The child has been exposed to domestic violence or severe domestic disharmony that is likely to result in physical or emotional harm to the child;

(b) There is no adult person who is able and willing to provide for the child's needs, and physical or emotional harm to the child has occurred or is likely to occur; or

(c) The child is less than 12 years of age and:

(i) There are reasonable and probable grounds to believe that:

(a) the child has committed an act that, if the child were 12 years of age or more, would constitute and offence under the *Criminal Code*. The *Narcotic Control Act (Canada)* or Part III or Part IV of the *Food and Drug Act (Canada)*; and,

(b) family services are necessary to prevent a recurrence; and,

(ii) The child's parent is unable or unwilling to provide for the child's needs. 1989-1990, c.C-7.2, s.11.

Duty to Report

12(1) Subject to subsections (2) and (3), every person who has reasonable grounds to believe that a child is in need of protection shall report the information to an officer or peace officer.

(2) Subsection (1) applies notwithstanding any claim of confidentiality or professional privilege other than:

(a) Solicitor-client privilege; or

(b) Crown privilege.

(3) No action shall be commenced against a person with respect to making a report pursuant to subsection (1) except with leave of the Court of Queen's Bench.

(a) An action for leave shall be commenced by notice of motion served on the respondent and the minister in any manner set out in Part Three of the Queen's Bench Rules.

(b) On application for leave, leave shall be granted only if the applicant establishes, by affidavit evidence or otherwise, a *prima facie* case that the person made the report maliciously and without reasonable grounds for his or her belief.

(c) If Leave is not granted, the court may order the applicant to pay all or any portion of the costs of the application.

(d) An action against a person who makes a report pursuant to sub-section (1) that is commenced without leave of the court is a nullity.

(4) Every peace officer who has reasonable grounds to believe that a child is in need of protection shall immediately report the information to an officer. 1989-90, c.C-7.2, s.12.

Duty to Investigate

13 Where a report is made pursuant to subsection 12(1) or (4), an officer or peace officer shall investigate the information set out in the report if, in the opinion of the officer or peace officer, reasonable grounds exist to believe that a child is in need of protection. 1999, c.14, s.4.

Warrant to access a child

13.1(1) A justice of the peace or a judge may issue a warrant pursuant to this section where the justice or judge is satisfied by information on the oath of an officer or peace officer that:

(a) There are reasonable grounds to believe that a child is in need of protection;

(b) A person refuses to give the officer or peace officer access to the child; and

(c) Access to the child is necessary to determine if the child is in need of protection.

(2) In a warrant issued pursuant to subsection (1), the justice of the peace or judge may do one or more of the following:

(a) authorize an officer or peace officer named in the warrant to enter premises specified in the warrant and search for the child;

(b) require a person to disclose the location of the child;

(c) require a person to allow the officer or peace officer to interview or to visually examine the child or do both;

(d) authorize the officer or peace officer to take the child away from the premises for an interview or a medical examination;

(e) authorize a duly qualified medical practitioner or other health care provider to examine the child.

(4) Where an officer is authorized by a warrant to enter the premises pursuant to clause (2)(a), the officer may be assisted by a peace officer in carrying out the powers conferred by the warrant.

(5) If a child is taken away from premises for an interview or medical examination pursuant to a warrant, the officer or peace officer must return the child to a person who has a right to custody of the child when the interview or medical examination is completed unless the officer or peace officer proceeds pursuant to section 17.

(6) An application for a warrant may be made in person, by telephone or by any other means of electronic communication.

(7) No person shall obstruct any person who is authorized to make an entry pursuant to this section. 1999, c.14, s.4.

Duty to Offer Family Services

14(1) Where, on investigation, an officer concludes that a child is in need of protection, the officer shall:

(a) notify the parent in writing of the officer's conclusion; and

(b) offer family services to the parent.

(2) Where a parent acknowledges the need for family services and agrees to the provision of those services, a director may enter into an agreement with the parent for the provision of family services.

(3) Section 9 applies, with any necessary modification, to an agreement for residential services made pursuant to this section.

(4) Where the parent and the director do not enter into an agreement pursuant to subsection (2) and an officer believes that the child is in need of protection, the officer shall, within 30 days of giving notice to the parent pursuant to clause (1)(a):

(a) apply to the court for a protection hearing; or

(b) submit the officer's reasons for that belief to a mediator pursuant to section 15. 1989-90 cC-7.2, s14

Mediation Services

15(1) Where an officer has concluded that a child is in need of protection, the officer may offer to the parent to submit the officer's reasons for that conclusion to a mediator for the purpose of obtaining assistance in concluding an agreement with the parent for the provision of family services.

(2) Mediation offered pursuant to subsection (1) shall be carried out by a person who, in the opinion of the minister, is:

(a) Qualified to provide mediation services; and

(b) Representative of community parenting standards.

(3) Where:

(a) The parent and the director do not enter into an agreement pursuant to subsection (1);

(b) An officer believes that the child is in need of protection; and

(c) the officer shall, as soon as is practicable, apply to the court for a protection hearing.

(4) An application pursuant to subsection (3) may be made by telephone in accordance with the regulations. 1989-90, c.C-7.2, s.15.

Protective Intervention Orders

16(1) Subject to subsection (2), where an officer has reasonable grounds to believe that contact between a child and another person would cause the child to be in need of protection, the officer may apply to the court for a protective intervention order directed at that person.

(2) An officer shall give three clear days' notice of an application pursuant to subsection (1) to the person whom the protective intervention order is proposed to be directed and to each parent.

(3) Where, on an application pursuant to subsection (1), the court is of the opinion that contact between a child and another person would cause the child to be in need of protection, the court may make a protective intervention order containing any terms and conditions that the court considers to be in the best interests of the child, including, without limiting the generality of the foregoing, a direction to a person named in the order to refrain from any contact or association with the child.

(4) Subject to subsections (5) and (6), a protective intervention order is effective for any period specified in the order that does not exceed six months.

(5) At any time before the expiry of a protective intervention order, an officer or a person named in the order may apply to the court to:

(a) Make changes in or additions to the terms and conditions contained in the order;

(b) Decrease the period for which the order is to remain in force; or

(c) Where the court is of the opinion that contact between the child and the person named in the order would no longer cause the child to be in need of protection, terminate the order.

(6) An officer may:

(a) Before the expiry; or

(b) Within 15 days of the expiry;

(c) of a protective intervention order, a protective intervention order, apply to the court to extend the order for an additional period of not more than 6 months.

(7) Subsections (2) and (3) apply, with any necessary modification, to an application made pursuant to subsection (5) and (6).

(8) The total of the periods of all orders made pursuant to this section with respect to a child shall not exceed 24 months unless the court determines that an extension if required because contact between the child and the person named in the order continues to cause the child to be in need of protection.

(9) In this section, "child" includes a person who is actually or apparently 16 or 17 years of age and has entered into an agreement pursuant to section 10 or has been apprehended pursuant to section 18.

1989-90, c.C-7.2, s.16; 1999, c.14, s.5.

Confidentiality

74(1) Notwithstanding Section 18 of *The Department of Social Services Act,* members of the board, members of family review panels, mediators, officers and employees of the department, foster parents and all other persons who are employed in or assist with the administration of this Act:

(a) Shall preserve confidentiality in respect to:

(1) The name and any other information that may identify a person that comes to their attention pursuant to this Act, *The Family Services Act* or *Child Welfare Act;* and

(2) (2) Any files, documents, papers or other records dealing with the personal history or record of a person that have come into existence through anything done pursuant to this Act, *The Family Services Act* or *Child Welfare Act;* and

(b) Shall not disclose or communicate the information mentioned in the clause (a) to any other person except as required to carry out the intent of this Act or as otherwise provided in this section.

The minister, a director or an officer may disclose or communicate information mentioned in subsection (1) relating to a child to:

(a) The guardian, parent or foster parent of that child; or

(b) The child to whom the information relates.

On the request of the person, the minister or a director may:

(a) Disclose; or

(b) Authorize and officer to disclose;

(c) Information mentioned in subsection (1) relating to that person in any form that the minister or director considers appropriate.

Notwithstanding subsection (2) and (3), no person shall, except while giving evidence in a protection hearing, disclose to anyone who is not an officer or a peace officer the name of a person who:

(a) Makes a report pursuant to section 12; and,

(b) Requests that his or her name not be disclosed.

(5) Any information that may be disclosed to the person to whom it relates may, with written consent of the person to whom it related, be disclosed to any other person.

(5.1) Information mentioned in subsection (1) may be released where, in the opinion of the minister, the benefit of the release of the information clearly outweighs any invasion of privacy that could result from the release.

(5.2) The information mentioned in subsection (5.1) may be released in any form that the minister considers appropriate.

(6) Any disclosure of information pursuant to this section does not constitute a waiver of Crown privilege, solicitor-client privilege or any other privilege recognized in law.

Offences

81(1) For the purposes of this section, "abuse" means:

(a) To act or omit to act so as to result in physical injury to a child;

(b) To act or omit to act as to result in a substantial impairment or a child's mental or emotional functioning as evidenced by a mental or behavioral disorder;

(c) To exploit a child or treat a child cruelly; or

(d) To contact a child for a sexual purpose.

(e) To allow or encourage a child to engage in prostitution.

(2) Any person who;

(a) Having the care, custody, control or charge of a child, neglects, abuses, willfully abandons or causes or procures the child to be abused, abandoned or exposed;

(b) Detains or harbours a child after a demand has been made by an officer or a person acting on behalf of the minister for delivery of the child;

(c) Induces or attempts to induce a child who:

(i) Has been taken into care and custody of the minister by apprehension pursuant to this Act;

(ii) Has been placed in the custody of the minister pursuant to clause 37(1) or subsection 37(3);

(iii) Has been committed to the minister pursuant to subsection 37(2) or section 46.

(iv) Is deemed to be in the custody of or committed to the minister pursuant to subsection 60(2), as the case may be;

(v) Is in the custody of an officer pursuant to section 7 or 8; or

(vi) Is receiving residential services pursuant to section 9 or 10; to leave the premises in which the child has been lawfully placed;

(d) Contravenes a protective intervention order made pursuant to section 16;

(e) Contravenes subsection 12(1); or

(f) Contravenes subsection 13(6) or 82(4);

Is guilty of an offence and liable on summary conviction to a fine of not more than $25,000 or to imprisonment for a term of not more than 24 months or to both fine and imprisonment. 1989-90, c.C-7.2, s81.

The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act

1 This Act may be cited as *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act.*

2 In this Act:

(a) "**applicant**" means, except in section 4, a person who makes an application pursuant to section 5 for an order;

(b) "**child**" means a person who is actually or apparently under 18 years of age;

(c) "**child protection officer**" means an officer designated pursuant to clause 57(b) of *The Child and Family Services Act;*

(d) "**child victim**" means a child who is the subject of an order or a person who is the subject of an application for an order;

(e) "**court**" means the Court of Queen's Bench;

(f) "**department**" means the department over which the minister presides;

(g) "**director**" means a director appointed pursuant to clause 57(a) of *The Child and Family Services Act*;

(h) "**justice**" means a presiding justice of the peace who is designated for the purposes of this Act pursuant to section 15;

(i) "**minister**" means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(j) "**order**" means an emergency protective intervention order described in section 7;

(k) "**parent**"

(i) means the mother of a child;

(ii) the father of a child;

(iii) a person to whom custody of a child has been granted by a court of competent jurisdiction or by a deed or agreement of custody; or

(iv) a person with whom a child resides and who stands in the place of a parent to the child;

(l) "**peace officer**" means

(i) a member of the Royal Canadian Mounted Police;

(ii) a member of a police service, as defined in *The Police Act, 1990;* or

(iii) an employee of the Royal Canadian Mounted Police or a police service, as defined in *The Police Act, 1990,* who is employed in the area of telecommunications;

(m) "**prescribed**" means prescribed in the regulations;

(n) "**prescribed person**" means a person who is prescribed, or is a member of a class of persons that is prescribed, for the purpose of making applications for orders)

(o) "**respondent**" means a person against whom an order is sought or has been granted.

(p) "**Child sexual abuse**" For the purposes of this Act, a child has been subjected to sexual abuse if the child has been, or is likely to be, exposed to harmful interaction for a sexual purpose, including involvement in prostitution and involvement in conduct that may amount to an offence pursuant to the *Criminal Code*.

Duty to report

4(1) Subject to subsections (2) and (7), every person who has reasonable grounds to believe that a child has been or is likely to be subjected to sexual abuse shall report the information to a child protection worker or peace officer.

(2) Subsection (1) applies notwithstanding any claim of confidentiality or professional privilege other than:

(a) solicitor-client privilege; or

(b) Crown privilege.

(3) No action shall be commenced against a person with respect to making a report pursuant to subsection (1) except with leave of the court.

(4) On an application for leave, leave shall be granted only if:

(a) the minister has been served with notice; and

(b) the applicant satisfies the court, by affidavit evidence or otherwise, that there is sufficient evidence that the person made the report maliciously and without reasonable grounds for his or her belief to warrant proceeding with an action.

(5) If leave is not granted, the court may order the applicant to pay all or any portion of the costs of the application.

(6) An action against a person who makes a report pursuant to subsection (1) that is commenced without leave of the court is a nullity. Every peace officer who has reasonable grounds to believe that a child has been or is likely to be subjected to sexual abuse shall immediately report the information to a child protection worker.

Emergency Protective Intervention Orders

Application for order

5(1) A child protection worker, a peace officer or a prescribed person may, on behalf of a director, make an *ex parte* application to a justice for an emergency protective intervention order with respect to a child where the applicant has reasonable grounds to believe that:

(a) the child is under 18 years of age; and

(b) either:

(i) sexual abuse of the child by another person has occurred; or

(ii) contact between the child and another person has occurred, and the applicant has reasonable grounds to believe that further contact between the child and the other person will result in sexual abuse of the child. An application for an order may be made in person or by telecommunication.

Hearing of application

6(1) At the hearing of an application for an order, a justice shall hear and consider the allegations of the applicant and the evidence of witnesses.

(2) At the hearing of an application for an order, a justice may do any of the following:

(a) subject to subsection (3), adjourn the hearing:

(i) from time to time; or

(ii) to a time and place where the justice can hear the evidence in person, if the taking of evidence by telecommunication becomes unsatisfactory;

(b) change the place of the hearing to accommodate any witness;

(c) conduct the hearing in any manner that the justice considers appropriate and that is not inconsistent with this Act or the regulations.

(3) At the hearing of an application for an order:

(a) a justice shall take the evidence under oath or pursuant to a promise to tell the truth in accordance with section 42 of *The Saskatchewan Evidence Act;* and

(b) for the purposes of clause (a):

(i) an oath may be administered by telecommunication; and,
an inquiry pursuant to section 42 of *The Saskatchewan Evidence Act* and a promise to tell the truth pursuant to that section may be made by telecommunication.

(4) At the hearing of an application for an order, a justice:

(a) may admit evidence by affidavit or any other means authorized by The Queen's Bench Rules for the taking of evidence; and

(b) may admit hearsay evidence if, in the opinion of the justice, the evidence is credible and trustworthy

(5) At the hearing of an application for an order, a justice shall:

(a) ensure that a record of the evidence of each witness is made in legible writing in the form of:

(i) the notes of the justice; or

(ii) a statement of the witness;

(b) have each witness read the record containing the evidence of the witness or have the evidence read back to the witness; and

(c) sign and date the record containing the evidence of each witness

6. Where a justice begins to hear an application for an order and is unable to continue the hearing for any reason, another justice may:

(a) continue the hearing if the evidence received by the justice who began the hearing has been recorded in accordance with subsection (5) and is available for review by the other justice; or

(b) begin hearing the application as if no evidence had been taken, if the evidence has not been recorded in accordance with subsection (5) or is not available for review by the other justice.

Emergency protective intervention order

7(1) A justice may grant an emergency protective intervention order on an application pursuant to section 6 where the justice is satisfied, on a balance of probabilities, that:

(a) either:

(i) sexual abuse of a child by another person has occurred; or

(ii) contact between a child and another person has occurred, and there are reasonable grounds to believe that further contact between the child and the other person will result in sexual abuse of the child; and,

(b) by reason of seriousness or urgency, the order should be made without waiting for the next available sitting of a judge of the court in order to ensure the immediate protection of the child.

(2) In determining whether an order should be made, a justice shall consider, but is not limited to considering, the following factors:

(a) the nature of the sexual abuse or contact;

(b) the history, if any, of sexual abuse by the respondent of any child;

(c) the existence of immediate danger to the child victim;

(d) the best interests of the child victim.

(3) An order may contain any or all of the following provisions:

(a) a provision restraining the respondent from communicating with or contacting the child victim or attempting to communicate with or contact the child victim;

(b) subject to subsection (4) a provision restraining the respondent from communicating with or contacting the child victim or any other child, or attempting to communicate with or contact the child victim or any other child, within a specified geographical area;

(c) any other provision that the justice considers necessary to provide for the immediate protection of the child victim.

(4) Where the justice is satisfied that some form of communication with or contact between the child victim and the respondent is necessary or appropriate, the justice may include in the order a provision restraining the respondent from communicating with or contacting the child victim, or attempting to communicate with or contact the child victim, unless the respondent complies with any other condition specified in the order that the justice considers necessary to provide for the immediate protection of the child victim.

(5) An order is to be in the prescribed form.

(6) The justice shall:

(a) direct that a peace officer is to serve a copy of the order, as soon as is reasonably practicable, on the respondent by personal service; and

(b) immediately forward a sealed copy of the order and all supporting documentation, including the justice's notes, to the local registrar of the court at the nearest judicial centre.

(7) The director shall arrange for a copy of the order to be provided:

(a) to the child victim; and

(b) to a parent of the child victim if the child victim is less than 16 years of age.

(8) Subject to subsection (10) and section 8, an order respecting a child who is less than 16 years of age takes effect immediately and terminates on the expiry of a period of 30 days following the day on which it takes effect unless, before the expiry of the 30-day period, the order is revoked by a judge pursuant to clause 11(5)(c).

(9) Subject to subsection (10), an order respecting a child who is 16 years of age or more takes effect immediately and terminates on the expiry of a period of 30 days following the day on which it takes effect unless, before the expiry of the 30-day period:

(a) the period is extended by a judge who confirms the order pursuant to clause 10(1)(a); or

(b) the order is revoked by a judge pursuant to clause 11(5)(c).

(10) A respondent is bound by a provision of an order as soon as he or she:

(a) has been served with the order in accordance with clause (6)(a) or is deemed to have been served pursuant to section 9; or

(b) receives a copy of the order by any means.

(11) An order is not stayed by a direction for a rehearing pursuant to clause 10(1)(b) or an application for a review pursuant to subsection 12(1).

(12) The failure to serve the child victim or a parent does not invalidate the order or any subsequent proceedings taken with respect to the order.

Search of Vehicle

16(1) Where a peace officer has reasonable grounds to believe that there is evidence in a vehicle of child sexual abuse, the peace officer may:

(a) request or signal to the person in charge of or operating the vehicle to stop the vehicle;

(b) search the vehicle for evidence of child sexual abuse; and,

(c) seize anything that may be evidence of child sexual abuse.

(2) Where, due to the circumstances, time or location, there could reasonably be expected to be a high incidence of child sexual abuse in any area, a peace officer may:

(a) request or signal to the person in charge of or operating a vehicle in the area to stop the vehicle;

(b) search the vehicle for evidence of child sexual abuse; and,

(c) seize anything that may be evidence of child sexual abuse.

(3) The person in charge of or operating a vehicle shall, when requested or signaled by a peace officer pursuant to subsection (1) or (2):

(a) immediately bring the vehicle to a safe stop; and

(b) permit the peace officer to search the vehicle.

Offences

24(1) No person shall expose a child to harmful interaction for a sexual purpose.

(2) No person who has reasonable grounds to believe that a child has been or is likely to be subjected to sexual abuse shall fail to report the information to a child protection worker or peace officer.

(3) Every person who contravenes any provision of subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of not more than $25,000 or to imprisonment for a term of not more than 24 months or to both.

Criminal Code of Canada

Section 43

Every school teacher, parent or person standing in place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

Special Note on Section 43

Supreme Court Decision January 20, 2004

While upholding the constitutionality of Section 43 of the *Criminal Code*, the Supreme Court of Canada has substantially narrowed the scope of Section 43 as a defence against the assault of children by their care givers and teachers. In the judgment, the Court has attempted to carve out several limitations or "a series of classifications and sub-classifications" for assisting the court in deciding whether the physical force applied to a child was "reasonable under the circumstances." These judicial limitations can be summarized as follows:

(1) Only parents may use physical force solely for the purposes of correction;

(2) Teachers may use reasonable force only to "remove the child from the classroom or secure compliance with instructions, but not merely as corporal punishment";

(3) Corporal punishment cannot be administered to "children under two or teenagers";

(4) The use of force on children of any age "incapable of learning from it because of disability or some other contextual factor" is not protected;

(5) "Discipline by the use of an object or blows or slaps to the head is unreasonable";

(6) "Degrading, inhuman or harmful conduct is not protected", including conduct that "raises a reasonable prospect of harm";

(7) Only "minor corrective force of a transitory and trifling nature" may be used;

(8) The physical punishment must be "corrective, which rules out conduct stemming from the caregiver's frustration, loss of temper or abusive personality";

(9) "The gravity of the precipitating event is not relevant."; and,

(10) The question of what is "reasonable under the circumstances" requires and "objective" test and " must be considered in the context and in light of all the circumstances of the case."

Section 150.1 (1)

Where an accused is charged with an offence under section 151 or 152 or subsection 153(1), 160(3) or 173(2) or is charged with an offence under section 271, 272 or 273 in respect of a complainant under the age of fourteen years, it is not a defence that the complainant consented to the activity that forms the subject matter of the charge.

Section 151

Every person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of fourteen years

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

Section 152

Every person who for a sexual purpose, invites, counsels or incites a person under the age of fourteen years to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the person under the age of fourteen years,

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

Section 153

(1) Every person who is in a position of trust or authority towards a young person or is a person with whom the young person is in a relationship of dependency and who

(a) for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person; or

(b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years or is guilty of an offence punishable on summary conviction.

(1.1) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

(1.2) A judge may infer that a person is in a relationship with a young person that is exploitative of the young person from the nature and the circumstances of the relationship, including

(a) the age of the young person;

(b) the age difference between the person and the young person;

(c) the evolution of the relationship; and

(d) the degree of control or influence by the person over the young person.

(2) In this section, "young person" means a person fourteen years of age or more but under the age of eighteen years.

Section 153.1

(1) Every person who is in a position of trust or authority towards a person with a mental or physical disability or who is a person with whom a person with a mental or physical disability is in a relationship of dependency and who, for a sexual purpose, counsels or incites that person to touch, without that person's consent, his or her own body, the body of the person who so counsels or incites, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the person with the disability is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

Section 155

(1) Every one commits incest, who, knowing that another person is by blood relationship his or her parent, child, brother, sister, grandparent, or grandchild, as the case may be, has sexual intercourse with that person.

(2) Every one who commits incest is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

(3) No accused shall be determined by a court to be guilty of an offence under this section if the accused was under restraint, duress or fear of the person with whom the accused had the sexual intercourse at the time the sexual intercourse occurred.

(4) In this section, "brother" and "sister", respectively, include half-brother and half-sister.

Section 159

(1) Every person who engages in an act of anal intercourse is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.

(2) Subsection (1) does not apply to any act engaged in, in private, between

(a) husband and wife, or

(b) any two persons, each of whom is eighteen years of age or more, both of whom consent to the act.

(3) For the purposes of subsection (2),

(a) an act shall be deemed not to have been engaged in private if it is engaged in a public place or if more than two persons take part or are present; and

(b) a person shall be deemed not to consent to an act

(i) if the consent is extorted by force, threats or fear of bodily harm or is obtained by false and fraudulent misrepresentations respecting the nature and quality of the act, or

(ii) if the court is satisfied beyond a reasonable doubt that the person could not have consented to the act by reason of mental disability.

Section 160

(1) Every person who commits bestiality is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.

(2) Every person who compels another to commit bestiality is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.

(3) Not withstanding subsection (1), every person who, in the presence of a person under the age of fourteen years, commits bestiality or who incites a person under the age of fourteen years to commit bestiality is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.

Section 161

(1) When an offender is convicted, or is discharged on the conditions prescribed in a probation order under section 730, of an offence referred to in subsection (1.1) in respect of a person who is under the age of fourteen years, the court that sentences the offender or directs that the accused be discharged, as the case may be, in addition to any other punishment that may be imposed for that offence or any other condition prescribed in the order of discharge, shall consider making and may make, subject to the conditions or exemptions that the court directs, an order prohibiting the offender from

(a) attending a public park or public swimming area where persons under the age of fourteen years are present or can reasonably be expected to be present, or a daycare centre, school ground, playground or community centre;

(b) seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity, that involves being in a position of trust or authority towards persons under the age of fourteen years;

(c) using a computer system within the meaning of subsection 342.1 (2) for the purpose of communicating with a person under the age of 14 years.

(1.1) The offences for the purpose of subsection (1) are

(a) an offence under section 151, 152, 155 or 159, subsection 160(2) or (3), section 163.1, 170, 171 or 172.1, subsection 173(2) or section 271, 272, 273 or 281;

(b) an offence under section 144 (rape), 145 (attempt to commit rape), 149 (indecent assault on female), 156 (indecent assault on male) or 245 (common assault) or subsection 246(1) (assault with intent) of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as it read immediately before January 4, 1983; or

(c) an offence under subsection 146(1) (sexual intercourse with a female under 14) or section 153 (sexual intercourse with step-daughter), 155 (buggery or bestiality), 157 (gross indecency), 166 (parent or guardian procuring defilement) or 167 (householder permitting defilement) of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as it read immediately before January 1, 1988.

(2) The prohibition may be for life or for any shorter duration that the court considers desirable and, in the case of a prohibition that is not for life, the prohibition begins on the later of

(a) the date on which the order is made; and

(b) where the offender is sentenced to a term of imprisonment, the date on which the offender is released from imprisonment for the offence, including, release on parole, mandatory supervision or statutory release.

(3) A court that makes an order of prohibition or, where the court is for any reason unable to act, another court of equivalent jurisdiction in the same province, may, on application of the offender or the prosecutor, require the offender to appear before it at any time and, after hearing the parties, that court may vary the conditions prescribed in the order if, in the opinion of the court, the variation is desirable because of changed circumstances after the conditions were prescribed.

(4) Every person who is bound by an order of prohibition and who does not comply with the order is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction.

Section 162

(1) Every one commits an offence who, surreptitiously, observes - including by mechanical or electronic means - or makes a visual recording of a person who is in circumstances that give rise to a reasonable expectation of privacy, if

(a) the person is in a place in which a person can reasonably be expected to be nude, to expose his or her genital organs or anal region or her breasts, or to be engaged in explicit sexual activity;

(b) the person is nude, is exposing his or her genital organs or anal region or her breasts, or is engaged in explicit sexual activity, and the observation or recording is done for the purpose of observing or recording a person in such a state or engaged in such an activity; or

(c) the observation or recording is done for a sexual purpose.

(2) In this section, "visual recording" includes a photographic, film or video recording made by any means.

(3) Paragraphs (1)(a) and (b) do not apply to a peace officer who, under the authority of a warrant issued under section 487.01, is carrying out any activity referred to in those paragraphs.

(4) Every one commits an offence who, knowing that a recording was obtained by the commission of an offence under subsection (1), prints, copies, publishes, distributes, circulates, sells, advertises or makes available the recording, or has the recording in his or her possession for the purpose of printing, copying, publishing, distributing, circulating, selling or advertising it or making it available.

(5) Every one who commits an offence under subsection (1) or (4)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

(6) No person shall be convicted of an offence under this section if the acts that are alleged to constitute the offence serve the public good and do not extend beyond what serves the public good.

(7) For the purposes of subsection (6),

(a) it is a question of law whether an act serves the public good and whether there is evidence that the act alleged goes beyond what serves the public good, but it is a question of fact whether the act does or does not extend beyond what serves the public good; and

(b) the motives of an accused are irrelevant.

Section 163.1

(1) In this section, "child pornography" means

(a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,

(i) that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or

(ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of eighteen years;

(b) any written material, visual representation or audio recording that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act;

(c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act; or

(d) any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act.

(2) Every person who makes, prints, publishes or possesses for the purpose of publication any child pornography is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of ninety days.

(3) Every person who transmits, makes available, distributes, sells, advertises, imports, exports or possesses for the purpose of transmission, making available, distribution, sale, advertising or exportation any child pornography is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of ninety days.

(4) Every person who possesses any child pornography is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

(4.1) Every person who accesses any child pornography is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

(4.2) For the purpose of subsection (4.1), a person accesses child pornography who knowingly causes child pornography to be viewed by, or transmitted to, himself or herself.

(4.3) If a person is convicted of an offence under this section, the court that imposes the sentence shall consider as an aggravating factor the fact that the person committed the offence with the intent to make a profit.

(5) It is not a defence to charge under subsection (2) in respect to a visual representation that the accused believed that a person shown in the representation that is alleged to constitute child pornography was or was depicted as being eighteen years of age or more unless the accused took all reasonable steps to ascertain the age of that person and took all reasonable steps to ensure that, where the person was eighteen years of age or more, the representation did not depict that person as being under the age of eighteen years.

(6) No person shall be convicted of an offence under this section if the act that is alleged to constitute the offence

(a) has a legitimate purpose related to the administration of justice or to science, medicine, education or art; and

(b) does not pose an undue risk of harm to persons under the age of eighteen years.

(7) For greater certainty, for the purposes of this section, it is a question of law whether any written material, visual representation or audio recording advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act.

Section 170

Every parent or guardian of a person under the age of eighteen years who procures the person for the purpose of engaging in any sexual activity prohibited by this Act with a person other than the parent or guardian is guilty of an indictable offence and liable

(a) to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of six months if the person procured is under the age of fourteen years; or

(b) to imprisonment for a term not exceeding two years and to a minimum punishment of imprisonment for a term of forty-five days if the person procured is fourteen years of age or more but under the age of eighteen years.

Section 171

Every owner, occupier or manager of premises, or any other person who has control of premises or assists in the management or control of premises, who knowingly permits a person under the age of eighteen years to resort to or to be in or on the premises for the purpose of engaging in any sexual activity prohibited by this Act is guilty of an indictable offence and liable

(a) to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of six months if the person in question is under the age of fourteen years; or

(b) to imprisonment for a term not exceeding two years and to a minimum punishment of imprisonment for a term of forty-five days if the person is fourteen years of age or more but under the age of eighteen years.

Section 172

(1) Every one who, in the home of a child, participates in adultery or sexual immorality or indulges in habitual drunkenness or any other form of vice, and thereby endangers the morals of the child or renders the home an unfit place for the child to be in, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

(2) [Repealed.R.S.C.1985, c.19(3RD Supp.), s.6]

(3) For the purpose of this section, "child" means a person who is or appears to be under the age of eighteen years.

(4) No proceedings shall be commenced under subsection (1) without the consent of the Attorney General, unless they are instituted by or at the instance of a recognized society for the protection of children or by an officer of a juvenile court.

Section 172.1

(1) Every person commits an offence who, by means of a computer system within the meaning of subsection 342.1 (2), communicates with

(a) a person who is, or who the accused believes is, under the age of eighteen years, for the purpose of facilitating the commission of an offence under subsection 153(1), section 155 or 163.1, subsection 212(1) or (4) or section 271, 272, or 273 with respect to that person;

(b) a person who is, or who the accused believes is, under the age of sixteen years, for the purpose of facilitating the commission of an offence under section 280 with respect to that person; or

(c) a person who is, or who the accused believes is, under the age of fourteen years, for the purpose of facilitating the commission of an offence under section 151 or 152, subsection 160(3) or 173(2) or section 281 with respect to that person.

(2) Every person who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than five years; or

(b) an offence punishable on summary conviction.

(3) Evidence that the person referred to in paragraph (1)(a), (b) or (c) was represented to the accused as being under the age of eighteen years, sixteen years or fourteen years, as the case may be, is, in the absence of evidence to the contrary, proof that the accused believed that the person was under that age.

(4) It is not a defence to a charge under paragraph (1)(a), (b) or (c) that the accused believed that the person referred to in that paragraph was at least eighteen years of age, sixteen years or fourteen years of age, as the case may be, unless the accused took reasonable steps to ascertain the age of the person.

Section 173

(1) Every one who willfully does an indecent act

(a) in a public place in the presence of one or more persons, or

(b) in any place, with intent thereby to insult or offend any person, is guilty of an offence punishable on summary conviction.

(2) Every person who, in any place, for a sexual purpose, exposes his or her genital organs to a person who is under the age of fourteen years is guilty of an offence punishable by summary conviction.

Section 212

(2) Despite paragraph (1)(j), every person who lives wholly or in part on the avails of prostitution of another person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of two years.

(2.1) Notwithstanding paragraph (1)(j) and subsection (2), every person who lives wholly or in part on the avails of prostitution of another person under the age of eighteen years, and who

(a) for the purposes of profit, aids, abets, counsels, or compels the person under that age to engage in or carry on prostitution with any person or generally, and

(b) uses, threatens to use or attempts to use violence, intimidation or coercion in relation to the person under that age,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years but not less than five years.

(2.4) Every person who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

(4) Every person who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of six months.

Section 215

(1) Every one is under a legal duty

(a) as a parent, foster parent, guardian or head of a family, to provide necessaries of life for a child under the age of sixteen years;

(b) to provide necessaries of life to their spouse or common-law partner; and

(c) to provide necessaries of life to a person under his charge if that person

(i) Is unable, by reason of detention, age, illness, mental disorder or other cause, to withdraw himself from that charge, and

(ii) Is unable to provide himself with the necessaries of life.

(2) Every one commits an offence who, being under a legal duty within the meaning of subsection (1), fails without lawful excuse, the proof of which lies upon him, to perform that duty, if

(a) With respect to a duty imposed by paragraph (1)(a) or (b),

(i) the person to whom the duty is owed is in destitute or necessitous circumstances, or

(ii) the failure to perform the duty endangers the life of the person to whom the duty is owed, or causes or is likely to cause the health of that person to be endangered permanently; or

(b) With respect to a duty imposed by paragraph (1)(c), the failure to perform the duty endangers the life of the person to whom the duty is owed or causes or is likely to cause the health of that person to be injured permanently.

(3) Every one who commits an offence under subsection (2)

(a) is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

For the purpose of proceedings under this section,

(a) evidence that a person has in any way recognized a child as being his child is, in the absence of any evidence to the contrary, proof that the child is his child;

(b) evidence that a person has failed for a period of one month to make provision for the maintenance of any child of theirs under the age of sixteen years is, in the absence of any evidence to the contrary, proof that the person failed without lawful excuse to provide necessaries of life for the child; and

(c) the fact that the spouse or common-law partner or child is receiving or has received necessaries of life from another person who is not under a legal duty to provide them is not a defence. R.8.,c.C-34,8. 197;1974-75-76, c.66.8.8; 1991, C.43, 8.9; 2000, c.12, ss. 93,95(a).

Section 218

Every one who unlawfully abandons or exposes a child who is under the age of ten years, so that its life is or is likely to be endangered or its health is or is likely to be permanently injured,

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

Section 271

(1) Every one who commits a sexual assault is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding ten years; or

(b) an offence, punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

Section 272

(1) Every person commits an offence who, in committing a sexual assault,

(a) carries, uses or threatens to use a weapon or an imitation of a weapon;

(b) threatens to cause bodily harm to a person other than the complainant;

(c) causes bodily harm to the complainant; or

(d) is a party to the offence with any other person.

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable

(a) where a firearm is used in the commission of the offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of four years; and

(b) in any other case, to imprisonment for a term not exceeding fourteen years.

Section 273

(1) Every one commits an aggravated sexual assault who, in committing a sexual assault, wounds, maims, disfigures or endangers the life of the complainant.

(2) Every person who commits an aggravated sexual assault is guilty of an indictable offence and liable

(a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and

(b) in any other case, to imprisonment for life.

Section 273.1

(1) Subject to subsection (2) and subsection 265(3), "consent" means, for the purposes of sections 271, 272 and 273, the voluntary agreement of the complainant to engage in the sexual activity in question.

(2) No consent is obtained, for the purposes of sections 271, 272 and 273, where

(a) the agreement is expressed by the words or conduct of a person other than the complainant;

(b) the complainant is incapable of consenting to the activity;

(c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;

(d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or

(e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

(3) Nothing in subsection (2) shall be construed as limiting the circumstances in which no consent is obtained.

Section 273.2

It is not a defence to a charge under section 271, 272 or 273 that the accused believed that the complainant consented to the activity that forms the subject matter of the charge, where

(a) the accused's belief arose from the accused's

(i) self induced intoxication, or

(ii) recklessness or willful blindness; or

(b) the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting.

Section 273.3

(1) No person shall do anything for the purpose of removing from Canada a person who is ordinarily resident in Canada and who is

(a) under the age of fourteen years, with the intention that an act be committed outside Canada that if it were committed in Canada would be an offence against section 151 or 152 or subsection 160(3) or 173(2) in respect of that person;

(b) fourteen years of age or more but under the age of eighteen years, with the intention that an act be committed outside Canada that if it were committed in Canada would be an offence against section 153 in respect of that person; or

(c) under the age of eighteen years, with the intention that an act be committed outside of Canada that if it were committed in Canada would be an offence against section 155 or 159, subsection 160(2) or section 170, 171, 267, 268, 269, 271, 272 or 273 in respect of that person.

(2) Every person who contravenes this section is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding five years; or

(b) an offence punishable on summary conviction. 1993, c.45, s.3; 1997, c.18, s.13.

Section 280

(1) Every one who, without lawful authority, takes or causes to be taken an unmarried person under the age of sixteen years out of the possession of and against the will of the parent or guardian of that person or any other person who has the lawful care or charge of that person is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

(2) In this section and sections 281 or 283, "guardian" includes any person who has in law or in fact the custody or control of another person. R.S., c. C-34, s.249; 1980-81-82-83, c.125, s. 20.

Section 281

Every one who, not being the parent, guardian or person having the lawful care or charge of a person under the age of fourteen years, unlawfully takes, entices away, conceals, detains, receives or harbours that person with intent to deprive a parent or guardian or any other person who has the lawful care or charge of that person, of the possession of that person is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years. R.S., c. C-34, s. 250; 1980-81-82-83, c. 125, s. 20.

Section 282

(1) Every one who, being the parent, guardian or person having the lawful care or charge of a person under the age of fourteen years, takes, entices away, conceals, detains, receives or harbours that person, in contravention of the custody provisions of a custody order in relation to that person made by a court anywhere in Canada, with intent to deprive a parent or guardian or any other person who has the lawful care or charge of that person, of the possession of that person is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding ten years; or

(b) an offence punishable on summary conviction.

(2) Where a count charges an offence under subsection (1) and the offence is not proven only because the accused did not believe that there was a valid custody order but the evidence does prove an offence under section 283, the accused may be convicted of an offence under section 283. 1980-81-81-83, c. 125, s.20; 1993, c. 45, s. 4.

Section 283

(1) Every one who, being the parent, guardian or person having the lawful care or charge of a person under the age of fourteen years, takes, entices away, conceals, detains, receives or harbours that person, whether or not there is a custody order in relation to that person made by a court anywhere in Canada, with intent to deprive a parent or guardian, or any other person who has the lawful care or charge of that person, of the possession of that person, is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding ten years; or

(b) an offence punishable on summary conviction.

(2) No proceedings may be commenced under subsection (1) without the consent of the Attorney General or counsel instructed by him for that purpose.

Section 486

(1) Any proceedings against an accused shall be held in open court, but the presiding judge or justice may order the exclusion of all or any members of the public from the court room for all or part of the proceedings if the judge or justice is of the opinion that such an order is in the interest of public morals, the maintenance of order or the proper administration of justice or is necessary to prevent injury to international relations or national defence or national security.

(2) For the purposes of subsections (1), the "proper administration of justice" includes ensuring that

(a) the interests of witnesses under the age of eighteen years are safeguarded in all proceedings; and

(b) justice system participants who are involved in the proceedings are protected.

(3) If an accused is charged with an offence under section 151, 152, 153, 153.1, 155 or 159, subsection 160(2) or (3) or section 163.1, 171, 172, 172.1, 173, 212, 271, 272 or 273 and the prosecutor or the accused applies for an order under subsection (1), the judge or justice shall, if no such order is made, state, by reference to the circumstances of the case, the reason for not making an order.

Section 486.1

(1) In any proceedings against an accused, the judge or justice shall, on application of the prosecutor, of a witness who is under the age of eighteen years or of a witness who has a mental or physical disability, order that a support person of the witness' choice be permitted to be present and to be close to the witness while the witness testifies, unless the judge or justice is of the opinion that the order would interfere with the proper administration of justice.

(2) In any proceedings against an accused, the judge or justice may, on application of the prosecutor or a witness, order that a support person of the witness' choice be permitted to be present and to be close to the witness while the witness testifies if the judge or justice is of the opinion that the order is necessary to obtain a full and candid account from the witness of the acts complained of.

(2.1) An application referred to in subsection (1) or (2) may be made, during the proceedings, to the presiding judge or justice or, before the proceedings begin, to the judge or justice who will preside at the proceedings.

(3) In making a determination under subsection (2), the judge or justice shall take into account the age of the witness, whether the witness has a mental or physical disability, the nature of the offence, the nature of any relationship between the witness and the accused, and any other circumstance that the judge or justice considers relevant.

(4) The judge or justice shall not permit a witness to be a support person unless the judge or justice is of the opinion that doing so is necessary for the proper administration of justice.

(5) The judge or justice may order that the support person and the witness not communicate with each other while the witness testifies.

(6) No adverse inference may be drawn from the fact that an order is, or is not, made under this section.

Section 486.2

(1) Despite section 650, in any proceedings against an accused, the judge or justice shall, on application of the prosecutor, of a witness who is under the age of eighteen years or of a witness who is able to communicate evidence but may have difficulty doing so by reason of a mental or physical disability, order that the witness testify outside the court room or behind a screen or other device that would allow the witness not to see the accused, unless the judge or justice is of the opinion that the order would interfere with the proper administration of justice.

(2) Despite section 650, in any proceedings against an accused, the judge or justice may, on application of the prosecutor or a witness, order that the witness testify outside the court room or behind a screen or other device that would allow the witness not to see the accused if the judge or justice is of the opinion that the order is necessary to obtain a full and candid account from the witness of the acts complained of.

(2.1) An application referred to in subsection (1) or (2) may be made, during the proceedings, to the presiding judge or justice or, before the proceedings begin, to the judge or justice who will preside at the proceedings.

(3) In making a determination under subsection (2), the judge or justice shall take into account the factors referred to in subsection 486.1(3).

(4) Despite section 650, if an accused is charged with an offence referred to in subsection (5), the presiding judge or justice may order that any witness testify

(a) outside the court room if the judge or justice is of the opinion that the order is necessary to protect the safety of the witness; and

(b) outside the court room or behind a screen or other device that would allow the witness not to see the accused if the judge or justice is of the opinion that the order is necessary to obtain a full and candid account from the witness of the acts complained of.

(6) If the judge or justice is of the opinion that it is necessary for a witness to testify in order to determine whether an order under subsection (2) or (4) should be made in respect of that witness, the judge or justice shall order that the witness testify in accordance with that subsection.

(7) A witness shall not testify outside the court room under subsection (1), (2), (4) or (6) unless arrangements are made for the accused, the judge or justice and the jury to watch the testimony of the witness by means of closed-circuit television or otherwise and the accused is permitted to communicate with counsel while watching the testimony.

(8) No adverse inference may be drawn from the fact that an order is, or is not, made under this section.

Section 486.3

(1) In any proceedings against an accused, on application of the prosecutor or a witness who is under the age of eighteen years, the accused shall not personally cross-examine the witness, unless the judge or justice is of the opinion that the proper administration of justice requires the accused to personally conduct the cross-examination. The judge or justice shall appoint counsel to conduct the cross-examination if the accused does not personally conduct the cross-examination.

(2) In any proceedings against an accused, on application of the prosecutor or a witness, the accused shall not personally cross-examine the witness if the judge or justice is of the opinion that, in order to obtain a full and candid account from the witness of the acts complained of, the accused should not personally cross-examine the witness. The judge or justice shall appoint counsel to conduct the cross-examination if the accused does not personally conduct the cross-examination.

(3) In making a determination under subsection (2), the judge or justice shall take into account the factors referred to in subsection 486.1 (3).

(4) In any proceedings in respect of an offence under section 264, on application of the prosecutor or the victim of the offence, the accused shall not personally cross-examine the victim unless the judge or justice is of the opinion that the proper administration of justice requires the accused to personally conduct the cross-examination. The judge or justice shall appoint counsel to conduct the cross-examination if the accused does not personally conduct the cross-examination.

(4.1) An application referred to in subsection (1), (2) or (4) may be made, during the proceedings, to the presiding judge or justice or, before the proceedings begin, to the judge or justice who will preside at the proceedings.

(5) No adverse inference may be drawn from the fact that counsel is, or is not, appointed under this section.

Section 486.4

(1) Subject to subsection (2), the presiding judge or justice may make an order directing that any information that could identify the complainant or a witness shall not be published in any document or broadcast or transmitted in any way, in proceedings in respect of

(a) any of the following offences:

(i) an offence under section 151, 152, 153, 153.1, 155, 159, 160, 162, 163.1, 170, 171, 172, 172.1, 173, 210, 211, 212, 213, 271, 272, 273, 346 or 347,

(ii) an offence under section 144 (rape), 145 (attempt to commit rape), 149 (indecent assault on female), 156 (indecent assault on male) or 245 (common assault) or subsection 246(1) (assault with intent) of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as it read immediately before January 4, 1983, or

(iii) an offence under subsection 146(1) (sexual intercourse with a female under 14) or (2) (sexual intercourse with a female between 14 and 16) or section 151 (seduction of a female between 16 and 18), 153 (sexual intercourse with step-daughter), 155 (buggery or bestiality), 157 (gross indecency), 166 (parent or guardian procuring defilement) or 167 (householder permitting defilement) of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as it read immediately before January 1, 1988; or

(b) two or more offences being dealt with in the same proceeding, at least one of which is an offence referred to in any of subparagraphs (a) (i) to (iii).

(2) In proceedings in respect of the offences referred to in paragraph (1)(a) or (b), the presiding judge or justice shall

(a) at the first reasonable opportunity, inform any witness under the age of eighteen years and the complainant of the right to make an application for the order; and

(b) on application made by the complainant, the prosecutor or any such witness, make the order.

(3) In proceedings in respect of an offence under section 163.1, a judge or justice shall make an order directing that any information that could identify a witness who is under the age of eighteen years, or any person who is the subject of a representation, written material or a recording that constitutes child pornography within the meaning of that section, shall not be published in any document or broadcast or transmitted in any way.

(4) An order made under this section does not apply in respect of the disclosure of information in the course of the administration of justice when it is not the purpose of the disclosure to make the information known in the community.

Section 486.5

(1) Unless an order is made under section 486.4, on application of the prosecutor, a victim or a witness, a judge or justice may make an order directing that any information that could identify the victim or witness shall not be published in any document or broadcast or transmitted in any way if the judge or justice is satisfied that the order is necessary for the proper administration of justice.

(2) On application of a justice system participant who is involved in proceedings in respect of an offence referred to in subsection 486.2(5) or of the prosecutor in those proceedings, a judge or justice may make an order directing that any information that could identify the justice system participant shall not be published in any document or broadcast or transmitted in any way if the judge or justice is satisfied that the order is necessary for the proper administration of justice.

Section 715.1

(1) In any proceeding against an accused in which a victim or other witness was under the age of eighteen years at the time the offence is alleged to have been committed, a video recording made within a reasonable time after the alleged offence, in which the victim or witness describes the acts complained of, is admissible in evidence if the victim or witness, while testifying, adopts the contents of the video recording, unless the presiding judge or justice is of the opinion that admission of the video recording in evidence would interfere with the proper administration of justice.

(2) The presiding judge or justice may prohibit any other use of a video recording referred to in subsection (1).

Section 715.2

(1) In any proceeding against an accused in which a victim or other witness is able to communicate evidence but may have difficulty doing so by reason of a mental or physical disability, a video recording made within a reasonable time after the alleged offence, in which the victim or witness describes the acts complained of, is admissible in evidence if the victim or witness, while testifying, adopts the contents of the video recording, unless the presiding judge or justice is of the opinion that admission of the video recording in evidence would interfere with the proper administration of justice.

(2) The presiding judge or justice may prohibit any other use of a video recording referred to in subsection (1).

Section 810.1

(1) Any person who fears on reasonable grounds that another person will commit an offence under section 151, 152, 155 or 159, subsection 160(2) or (3), section 163.1, 170, 171, 172.1, subsection 173(2) or section 271,272,273, in respect of one or more person who are under the age of fourteen years, may lay an information before a provincial court judge, whether or not the person or persons in respect of whom it is feared that an offence will be committed are named.

(2) A provincial court judge who receives an information under subsection (1) may cause the parties to appear before a provincial court judge.

(3) The provincial court judge before whom the parties appear may, if satisfied by the evidence adduced that the informant has reasonable grounds for the fear, order the defendant to enter into a recognizance and, for a period fixed by the provincial court judge of not more than twelve months, comply with the conditions fixed by the provincial court judge, including a condition prohibiting the defendant from

(a) engaging in any activity that involves contact with persons under the age of fourteen years, including using a computer system within the meaning of subsection 342.1 (2) for the purpose of communicating with a person under the age of fourteen years; and

(b) attending a public park or public swimming area where persons under the age of fourteen years are present or can reasonably be expected to be present, or a daycare centre, school ground, playground or community centre.

(3.1) The provincial court judge may commit the defendant to prison for a term not exceeding twelve months if the defendant fails or refuses to enter into the recognizance.

Canada Evidence Act

Section 16

(1) If a proposed witness is a person of fourteen years of age or older whose mental capacity is challenged, the court shall, before permitting the person to give evidence, conduct an inquiry to determine

(a) whether the person understands the nature of the oath or a solemn affirmation; and

(b) whether the person is able to communicate the evidence.

Section 16.1

(1) A person under fourteen years of age is presumed to have the capacity to testify.

(2) A proposed witness under fourteen years of age shall not take an oath or make a solemn affirmation despite a provision of any Act that requires an oath or a solemn affirmation.

(3) The evidence of a proposed witness under fourteen years of age shall be received if they are able to understand and respond to questions.

(4) A party who challenges the capacity of a proposed witness under fourteen years of age has the burden of satisfying the court that there is an issue as to the capacity of the proposed witness to understand and respond to questions.

(5) If the court is satisfied that there is an issue as to the capacity of a proposed witness under fourteen years of age to understand and respond to questions, it shall, before permitting them to give evidence, conduct an inquiry to determine whether they are able to understand and respond to questions.

(6) The court shall, before permitting a proposed witness under fourteen years of age to give evidence, require them to promise to tell the truth.

(7) No proposed witness under fourteen years of age shall be asked any questions regarding their understanding of the nature of the promise to tell the truth for the purpose of determining whether their evidence shall be received by the court.

(8) For greater certainty, if the evidence of a witness under fourteen years of age is received by the court, it shall have the same effect as if it were taken under oath.

Resources and Services for Persons with Disabilities and Conditions Affecting Communication

When preparing for an interview, specific information on the child's disability or condition can be acquired through discussions with teachers and personnel involved with the child. In addition, physicians from Departments of Pediatrics and Child Psychiatry in local urban hospitals can provide information on medical and mental health conditions. Additional general information on the disability or condition may be obtained from the following community agencies and services.

Saskatchewan Association for Community Living

Regina
2216 Smith Street
REGINA SK S4P 2P4
Phone: 790-5680 / Fax: 586-7899

Head Office
3031 Louise Street
SASKATOON SK S7J 3L1
Phone: 955-3344 / Fax: 373-3070

Provides information, services, and advocacy for persons with intellectual disabilities.

Alvin Buckwold Child Development Program
Kinsmen Children's Centre
1319 Colony Street
SASKATOON SK S7N 2Z1
Phone: 655-1070 / Fax: 655-1449

Information, assessment and intervention for children with intellectual disabilities, Autism, Fetal Alcohol Syndrome, physical, and multiple disabilities.

Autism Resource Centre
Box 4751
REGINA SK S4P 3Y4
Phone: 569-0858 / Fax: 569-0889

Autism Treatment Services of Saskatchewan Inc.
302 -506- 25th Street East
SASKATOON SK S7K 4A 7
Phone: 665-7013 / Fax: 665-7011

Saskatchewan Prevention Institute
1319 Colony Street
SASKATOON SK S7N 2X1
Phone: 655-2512 / Fax: 655-2511 / email: info@preventioninstitute.sk.ca

Provides information on numerous handicapping conditions, including Fetal Alcohol Spectrum Disorder, in addition to its mandate to raise awareness of preventive measures to reduce incidence of handicapping conditions in children.

Learning Disabilities Association of Saskatchewan

Saskatoon
609 25th Street E
SASKATOON SK S7K OL7
Phone: 652-4114 / Fax: 652-3220

Regina Chapter
805 Victoria Avenue
REGINA SK S4N OR5
Phone: 352-5327 / Fax: 352-2260

Saskatchewan Deaf and Hard of Hearing Services Inc.

Saskatoon
#3 -511 -1 st Avenue North
SASKATOON SK S7K IX5
Phone/TTY: 665-6575
Toll Free: 1-800-667-6575
Fax: 665-7746
Email: saskatoon@sdhhs.com

Regina
2341 Broad Street
REGINA SK S4P 1Y9
Phone/TTY: 352-3323
Toll Free: 1-800-565-3323
Fax: 757-3252
Email: regina@sdhhs.com

Provides communications services such as sign language and oral interpretation.

Saskatchewan Pediatric Auditory Rehabiliation Centre (SPARC)
Room 21 Elks Hall
University of Saskatchewan
SASKATOON SK S7N OW8
Phone: 655-1320

Canadian National Institute for the Blind

Saskatoon
1705 McKercher Drive
SASKATOON SK S7H 5N6
Phone: 374-4545 / Fax: 955-6224

Regina
2550 Broad Street
REGINA SK S4P 3Z4
Phone: 525-2571 / Fax: 565-3300

Canadian Paraplegic Association (Saskatchewan) Inc.

Head Office
3 -3012 Louise Street
SASKATOON SK S7J 3L8
Phone: 652-9644 ext: 0 / Fax: 652-2957

Regina
210 - 4401 Albert Street
REGINA SK S4S 6B6
Phone: 584-0101 ext: 0 / Fax: 584-0008

Saskatchewan Abilities Council

Provincial Services Office
2310 Louise Avenue
SASKATOON SK S7J 2C7
Phone: 374-4448 / Fax: 373-2665

Regina
825 McDonald Street
REGINA SK S4N 2X5
Phone: 569-9048 / Fax: 352-3717

Wascana Rehabilitation Centre Children's Program
2180 23rd Avenue
REGINA SK S4S OA5
Phone: 766-5710 / Fax: 766-5189

Saskatchewan Learning Special Education Unit

Saskatchewan Learning Special Education Unit

Central Office
2220 College Avenue
REGINA SK S4P 4V9
Phone: 787-1183 / Fax: 787-0277

Mental Health Services, Athabasca Health Authority
Box 124
BLACK LAKE SK SOI OHO
Phone: 439-2200 / Fax: 439-2211

Child and Youth Services, Swift Current Mental Health Clinic,
Cypress Regional Health Authority
350 Cheadle Street West
SWIFT CURRENT SK S9H 4G3
Phone: 778-5250 / Fax: 778-5408

Child and Youth Services, Moose Jaw Mental Health Centre,
Five Hills Regional Health Authority
Moose Jaw Union Hospital
455 Fairford Street East
MOOSE JAW SK S6H 1H3
Phone: 691-6464 / Fax: 691-6461

Mental Health Services, Heartland Regional Health Authority
Community Health Services
Box 1300
ROSETOWN SK SOL 2VO
Toll-Free: 1-866-268-9139 / Fax: 306 882-6474

Child and Youth Services, Mental Health Services,
Keewatin Yatthe Regional Health Authority
310 Davy Street
BUFFALO NARROWS SK SOM OJO
Phone: 235-5809 / Fax: 235-4500

Mental Health Services, Kelsey Trail Regional Health Authority
Box 1480
MELFORT, SK SOE 1AO
Phone: 752-8767 / Fax: 752-8764

Mental Health Services, Mamawetan Churchill River Regional Health Authority
Box 6000
LA RONGE SK SOI lLO
Phone: 306 425-4840 / Fax: 306425-8514

Child and Youth Services, Prairie North Regional Health Authority
Don Ross Centre
891 - 99TH Street
NORTH BATTLEFORD SK S9A ON8
Phone: 446-6555 / Fax: 446-8765

Child and Youth Services, Prince Albert Mental Health Centre,
Prince Albert Parkland Regional Health Authority
Victoria Square
2345 -10th Avenue West
PRINCE ALBERT SK S6V 6Gl
Phone: 765-6055 / Fax: 765-6017

Child and Youth Services, Regina Qu'Appelle Regional Health Authority
1680 Albert Street
REGINA SK S4P 2S6
Phone: 766-6700 / Fax: 766-6755

Child and Youth Services, Mental Health Services,
Saskatoon Regional Health Authority
715 Queen Street
SASKATOON SK S7K 4X4
Phone: 655-7800 / Fax: 655-7811

Child and Youth Services, Weyburn Mental Health Centre,
Sun Country Regional Health Authority
Box 2003
WEYBURN SK S4H 2Z9
Phone: 842-8665 / Fax: 842-8690

Child and Youth Services, Yorkton Mental Health Centre,
Sunrise Regional Health Authority
270 Bradbrooke Drive
YORTON SK S3N 2K6
Phone: 786-0558 / Fax: 786-0540

Alcohol and Drug Services

Athabasca Health Authority Addiction Services
Box 2
STONY RAPIDS SK SOJ 2RO
Phone: 439-2177 / Fax: 439-4884

Cypress Regional Health Authority
Addiction Services -Youth Program
350 Cheadle Street West
SWIFT CURRENT SK S9H 4G3
Phone: 778-5410 / Fax: 778-5408

Addictions Services, Five Hills Regional Health Authority
455 Fairford Street East
MOOSE JAW SK S6H 1H3
Phone: 691-7651 / Fax: 691-7650

Heartland Regional Health Authority Addiction Services
Box 1300
ROSETOWN SK SOL 2VO Toll-Free: 1-866-268-9139
Fax: 306-882-6474

Addiction Services, Keewatin Yatthe Regional
Health Authority Regional Office
Box 40
BUFFALO NARROWS SK SOM OJO
Phone: 235-5845 / Fax: 235-4686

Addiction Services, Kelsey Trail Regional Health Authority
Box 1480
MELFORT SK SOE 1AO
Phone: 752-8747 / Fax: 752-6204

La Ronge Addiction Services Office, Mamawetan
Churchill River Regional Health Authority
Box 5000
LA RONGE SK SOI 1LO
Phone: 425-4359 / Fax: 425-3093

Addictions Services, Prairie North Regional Health Authority
1092 -107th Street
NORTH BATTLEFORD SK S9A 1ZI
Phone: 446-6440 / Fax: 446-7431

Addiction Services, Prince Albert Parkland Regional Health Authority
101 -15th Street East
PRINCE ALBERT SK S6V 1G1
Phone: 953-5670 / Fax: 953-2200

Regina Alcohol and Drug Services,
Regina Qu'Appelle Regional Health Authority
2110 Hamilton Street
REGINA SK S4P 2E3
Phone: 766-7921 / Fax: 776-7909

Addiction Services, Saskatoon Regional Health Authority
122 -3rd Avenue North, 8th Floor
SASKATOON SK S7K 2H6
Phone: 655-4110 / Fax: 655-4115

Addiction Services, Sun Country Regional Health Authority
Box 2003
WEYBURN SK S4H 2Z9
Phone: 842-8693 / Fax: 842-2835

Addiction Services, Sunrise Regional Health Authority Broadcast Place
120 Smith Street East
YORKTON SK S3N 3V3
Phone: 786-0520 / Fax: 786-1449

Operational FNCFS Agencies and Associated Bands

Agency Name, Address and Staff	Phone and Fax Numbers	Band Name and Number	CR Office
Agency Chiefs Child and Family Services (ACCFS) P.O. Box 329 SPIRITWOOD, SK S0J 2M0	**Phone:** 883-3345 **Toll Free:** 1-888-225-2244 **Fax:** 883-3838	Big River #404 Pelican Lake #405 Witchenkan Lake #407	Prince Albert
Ahtahkakoop Child and Family Services Inc. (ACFS) P.O. Box 10 MONT NEBO, SK S0J 1X0	**Phone:** 468-2520 **Fax:** 468-2524	Ahtahkakoop #406	Prince Albert
Athabasca Denesuline Child and Family Services Inc. (*Yathe Dené Sekwi Chu L A Koe Betsedi Inc. - ADCFS*) P.O. Box 189 BLACK LAKE, SK S0J 0H0	**Phone:** 439-4995 **Fax:** 439-4999 **Email:** adcfs@sasktel.net	Black Lake #359 Fond du Lac #351 Hatchet Lake #352	La Ronge
Battleford Tribal Council Human Services Corp. Indian Child and Family Services (BTC CFS) Box 1426 NORTH BATTLEFORD, SK S9A 3M1	**Phone:** 445-4149 **Fax:** 445-5568 **Email:** btchsc@sasktel.net	Little Pine #340 Lucky Man #341 Mosquito #343 Poundmaker #345 Sweetgrass #348	North Battleford
Kanaweyihimitowin Child and Family Services Inc. (KCFSI) P.O. Box 429 DUCK LAKE, SK S0K 1J0	**Phone:** 467-4530 **Fax:** 467-4531 **Email:** kcfsi@sasktel.net	Beardy's and Okemasis #369	Prince Albert
Kanaweyimik Child and Family Services (KCFS) P.O. Box 1270 BATTLEFORD, SK S0M 0E0	**Phone:** 445-3500 **Fax:** 445-2533	Moosomin #342 Red Pheasant #346 Saulteaux #347 Thunderchild #349	North Battleford
Lac La Ronge Indian Band Child and Family Services (LLRIB) P.O. Box 1739 LA RONGE, SK S0J 1L0	**Phone:** 425-5511 **Fax:** 425-5335	Lac La Ronge #353	La Ronge
Meadow Lake Tribal Council Health and Social Development Authority (MLTC CFS) 8002 Flying Dust Reserve MEADOW LAKE, SK S9X 1T8	**Phone:** 236-5817 **CFS Fax:** 236-3633 **Health Fax:** 236-6485 **Email:** info@mltc.net **Consultant Phone:** 236-1404	**North:** Birch Narrows (Turnor) #403 Buffalo River #398 Clearwater River (Big C) #401 **South:** Canoe Lake #394 English River #400 Flying Dust #395 Island Lake #397 Makwa Sahgaiehcan #396 Waterhen Lake #402	Meadow Lake
Montreal Lake Child and Family Agency Inc. (MLCFA) General Delivery MONTREAL LAKE, SK S0J 1Y0	**Phone:** 663-5095 **Fax:** 663-5099 **Email:** montreal.lake.cfa2@sasktel.net	Montreal Lake #354	Prince Albert

Operational FNCFS Agencies and Associated Bands

Agency Name, Address and Staff	Phone and Fax Numbers	Band Name and Number		CR Office
Nehiyaw Awasis Siceca Cistinna (NASC CFS) Sturgeon Lake Child and Family Services Inc. P.O. Box 129, Station M PRINCE ALBERT, SK S6V 5R4	**Phone:** 764-4813 **Fax:** 764-4817 **Email:** nasccfs@sasktel.net	Sturgeon Lake Wahpeton	#360 #358	Prince Albert
Nicapanak Centre Child and Family Services (NCCFS) Eastern Sector P.O. Box 58 PAKWAW LAKE, SK S0E 1G0	**Phone:** 768-3315 / 3316 / 3317 **Fax:** 768-3318	Cumberland House Red Earth Shoal Lake	#350 #356 #357	Melfort Nipawin
Onion Lake Family Services Inc. (OLFS) P.O. Box 29 ONION LAKE, SK S0M 2E0	**Phone:** 344-4747 **Toll Free:** 1-888-344-4208 **Fax:** 344-4755	Onion Lake	#344	Lloydminster
Peter Ballantyne Child and Family Services Inc. (PBCN CFS) P.O. Box 158 PRINCE ALBERT, SK S6V 5R5	**Phone:** 953-4410 **Toll Free:** 1-800-365-9257 **Fax:** 953-4414	Peter Ballantyne	#355	Prince Albert
Qu'Appelle Child and Family Services P.O. Box 753 FORT QU'APPELLE, SK S0G 1S0	**CFS Phone:** 332-1842 **CFS Fax:** 332-3921 **Admin Phone:** 332-4655 **Admin Fax:** 332-2842 **Email:** qcfs@sasktel.net	Carry the Kettle Muscowpetung Nekaneet Pasqua Piapot Standing Buffalo Wood Mountain	#378 #381 #380 #383 #385 #386 #388	Fort Qu'Appelle
STC Health and Family Services Inc. 200 - 335 Packham Avenue SASKATOON, SK S7N 4S1	**Main Office Phone:** 956-6100 / 956-6855 **CFS Office Phone:** 956-6100 **Fax:** 956-3268 **ICFS Emergencies:** 1-866-871-4237	Kinistin Mistawasis Muskeg Lake Muskoday One Arrow Whitecap Dakota / Sioux Yellow Quill	#377 #374 #375 #371 #373 #372 #376	Saskatoon Prince Albert Yorkton
Touchwood Child and Family Services P.O. Box 446 PUNNICHY, SK S0A 3C0	**Phone:** 835-2152 **Fax:** 835-2216	Day Star Fishing Lake Gordon Kawacatoose Muscowekwan	#389 #390 #391 #393 #392	Fort Qu'Appelle
Yorkton Tribal Council Child and Family Services 21 Bradbrooke Drive YORKTON, SK S3N 3R1	**Phone:** 782-8838 **Fax:** 782-7780	Cote Keeseekoose Key Cowessess Kahkewistahaw Sakimay Ochapowace Little Black Bear Ocean Man Pheasant Rump White Bear Peepeekisis Starblanket	#366 #367 #368 #361 #362 #364 #363 #379 #408 #409 #365 #384 #387	Yorkton Fort Qu'Appelle

First Nations Receiving Services from DCR (Bands not with an Agency)

Agency Name, Address and Staff	Phone and Fax Numbers	Band Name and Number	DCR Contact / Office
Wahkotowin Family and Child Wellness Society (WFCWS) Box 1059 MELFORT, SK S0E 1A0 The three Bands of James Smith Cree Nation operate with one administration. Bands are: •James Smith - Chief Mike Marion •Chacastapasin - Chief Calvin Sanderson •Peter Chapman - Chief Phyllis Head April 1, 2005 - The Agency signed their agreement and is preparing to be operational.	**Phone:** 864-3636 **Fax:** 864-3336	James Smith #370	Melfort Office (NE)
Piapot Cree Nation General Delivery ZEHNER, SK S0G 5K0	**Phone:** 781-4848 **Fax:** 781-4853	Piapot Cree Nation #385	Office (SW)
Okanese First Nation Box 759 BALCARRES, SK S0G 0C0 Contact the Chief BEFORE going on reserve or taking action regarding cases.	**Phone:** 334-2532 **Fax:** 334-2545	Okanese First Nation #382	Fort Qu'Appelle Office (SE)
Big Island Lake Cree Nation (Joseph Bighead) Box 309 PIERCELAND, SK S0M 2K0	**Phone:** 839-2277 **Fax:** 839-2323	Joseph Bighead #344	Meadow Lake (NW)

Métis Addictions Council of Saskatchewan Inc. (MACSI)

Core Office
#100 - 219 Robin Crescent
SASKATOON SK S7L 6M8
Phone: (306) 651-3021
Fax: (306) 651-2639
Toll Free: 1-800-236-5204
Email: macsioffice@shaw.ca

Prince Albert Centre
#334 - 19th Street East
PRINCE ALBERT SK S6V 1J7
Phone: (306) 953-8250
Fax: (306) 953-8261
Toll Free: 1-866-722-2155

Regina Centre
329 College Avenue East
REGINA SK S4N 0V9
Phone: (306) 352-9601
Fax: (306) 347-7902

Saskatoon Centre
335 Avenue G South
SASKATOON SK S7M 1V2
Phone: (306) 652-8951
Fax: (306) 665-0703

Aboriginal Family Violence Programs Administered by Saskatchewan Justice Victims Services Branch

The following programs target Aboriginal people who are dealing with the trauma of family violence, and they also serve non-Aboriginal people who are in crisis and seeking support.

Circle Project Association Inc.
1102 - 8th Avenue
REGINA SK S4R 1C9
Phone: (306) 347-7515
Fax: (306) 347-7519

Family Healing Circle Lodge
128 Avenue Q South
SASKATOON SK S7M 1T3
Phone: (306) 653-3900
Fax: (306) 653-0394

Kanaweyimik Child and Family Services
Box 1270
BATTLEFORD SK S0M 1E0
Phone: (306) 445-3500
Fax: (306) 446-2533

Peyakowak (We Are Alone) Committee Inc.
1650 Angus Street
REGINA SK S4T 1Z2
Phone: (306) 525-9689
Fax: (306) 525-6164

Prince Albert Grand Council Women's Commission
2nd Floor, 1044 - 1st Avenue West
PRINCE ALBERT SK S6V 6Z1
Phone: (306) 953-7200
Fax: (306) 764-7295

Parkland Victim Services Inc. - AFV
#108 - 345 Broadway Street West
YORKTON SK S3N 0N8
Phone: (306) 782-0673
Fax: (306) 782-0674

Battlefords Friendship Centre
960 - 103rd Street
NORTH BATTLEFORD SK S9A 1K2
Phone: (306) 445-8216
Fax: (306) 445-6863

Buffalo Narrows Friendship Centre
Box 189, 351 Buffalo Street
BUFFALO NARROWS SK S0M 0J0
Phone: (306) 235-4633
Fax: (306) 235-4544

Ile-a-la-Crosse Friendship Centre
Box 160, Lajeunesse Avenue
ILE-A-LA-CROSSE SK S0M 1C0
Phone: (306) 833-2313
Fax: (306) 833-2216

Kikinahk Friendship Centre
320 Boardman Street
LA RONGE SK S0J 1L0
Phone: (306) 425-2501
Fax: (306) 525-3359

La Loche Friendship Centre
Box 580, La Loche Avenue
LA LOCHE SK S0M 1G0
Phone: (306) 822-2606
Fax: (306) 822-1787

Moose Mountain Friendship Centre
118 - 2nd Street West
CARLYLE SK S0C 0R0
Phone: (306) 453-2425
Fax: (306) 453-6777

North West Friendship Centre
Box 1780
MEADOW LAKE SK S0M 1E2
Phone: (306) 236-3766
Fax: (306) 236-5451

Prince Albert Indian & Métis Friendship Centre
1409 - 1st Avenue East
PRINCE ALBERT SK S6V 2B2
Phone: (306) 764-3431
Fax: (306) 763-3205

Qu'Appelle Valley Friendship Centre
P.O. Box 240
FORT QU'APPELLE SK S0G 1S0
Phone: (306) 332-5616
Fax: (306) 332-5091

Regina Friendship Centre
3100 Dewdney Avenue
REGINA SK S4T 0Y7
Phone: (306) 525-5459
Fax: (306) 525-3005

Saskatoon Indian and Métis Friendship Centre
168 Wall Street
SASKATOON SK S7K 1N4
Phone: (306) 244-0174
Fax: (306) 664-2536

Swift Current Friendship Centre
#6 - 885 - 6th Avenue North East
SWIFT CURRENT SK S9H 2M9
Phone: (306) 773-6285
Fax: (306) 773-6286

Yorkton Friendship Centre
139 Dominion Avenue
YORKTON SK S3N 1S3
Phone: (306) 782-2822
Fax: (306) 782-6662

Information Sharing Overview for Children and Youth in Saskatchewan

VISION

"Together for Our Children"

Integrated planning and service delivery for children, youth and their families is supported by appropriate cross-sector information sharing.

PURPOSE

The purpose of this document is to be a quick reference guide for child service professionals to help them make decisions on how and when to share information about children and youth.

GREEN LIGHT

General speaking, pursuant to the *Freedom of Information and Protection of Privacy Act*, Personal Information CAN be shared under the following circumstances:

With written consent
OR
Where necessary to protect the mental or physical health or safety of any individual,
OR
To report a child who might need protection under the *Child and Family Services Act*,

OR
For any purpose where, in the opinion of the head:

- the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or
- disclosure would clearly benefit the individual to whom the information relates.

OR
By order of the Court,
OR
As under the *Youth Criminal Justice Act* (Canada) to facilitate the rehabilitation of a young person,
OR
To cooperate with a police and/or child welfare investigation.

General speaking, pursuant to the *Health Information Protection Act*, Health information CAN be shared if the situation meets at least one of the following: With written consent
OR
To avert or minimize danger to the health or safety of any child, who might need protection under the *Child and Family Services Act*
OR

Where the disclosure is being made for the provision of health or social services to the subject individual, if, in the opinion of the trustee, disclosure of the personal health information will clearly benefit the health or well-being of the subject individual, but only where it is not reasonably practicable to obtain consent,
OR

By order of the Court,
OR
To a person who is responsible for providing continuing treatments and care to the individual (need not be a formal health services provider).

YELLOW LIGHT

In the following circumstances where the information does not relate to health information (HIPA), obtain more information and/or get advice from a supervisor, consultant or lawyer:

- Consent is not provided or refused but where there may be a health or safety issue for any individual or groups,
- To report criminal activity to police (pursuant to FOIP),
- Where there is a demand or request to produce information for a legal proceeding,
- When a professional code of ethics may limit disclosure.

RED LIGHT

Information can NEVER by shared if there is:

- A legislative requirement barring disclosure,
- No consent and no need to know nor overriding health/safety concerns,
- Consent but no need to know nor overriding health/safety concerns.

Interdepartmental Child Abuse Committee 2006

Communmity Resources
Janet Farnell, co-chair
Denise McCafferty

Corrections and Public Safety
Joyce Furman

First Nations and Métis Relations
Trish LaFontaine

Health
Joe Kluger

Justice
Rod McKendrick, co-chair
Kim Newsham

Learning
Janice Stock